E/1994/23
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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

REPORT ON THE EIGHTH AND NINTH SESSIONS

(10-28 May 1993, 22 November-10 December 1993)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS, 1994

SUPPLEMENT No. 3

UNITED NATIONS

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

E/1994/23
E/C.12/1993/19

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ABBREVIATIONS

FAO	Food and Agriculture Organization of the United Nations
IBRD	International Bank for Reconstruction and Development (World Bank)
ILO	International Labour Organisation
IMF	International Monetary Fund
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNRISD	United Nations Research Institute for Social Development
WHO	World Health Organization

Chapter I

Eighth session

DRAFT DECISIONS RECOMMENDED FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL 1/

DRAFT DECISION I

Extraordinary additional session for the Committee on Economic, Social and Cultural Rights

The Economic and Social Council, noting the backlog of States parties' reports awaiting consideration by the Committee on Economic, Social and Cultural Rights, and being aware that such a situation seriously undermines the effectiveness and threatens the credibility of the system for monitoring the implementation of the International Covenant on Economic, Social and Cultural Rights, authorizes, on an exceptional basis, the holding of an extraordinary additional session, of three weeks' duration, of the Committee in the first half of 1994. Additionally, the Council authorizes a special three-day meeting of the Committee's pre-sessional working group, to be held immediately following the conclusion of the Committee's ninth session, in order to prepare for the consideration of States parties' reports during the extraordinary additional session of the Committee.

DRAFT DECISION II

Payment of honoraria to members of the Committee on Economic, Social and Cultural Rights

The Economic and Social Council, noting that recent measures approved by the General Assembly will result in a situation in which the members of five out of the six United Nations treaty bodies composed of independent experts are entitled to receive an honorarium for their services, and recognizing that it is inequitable for a single committee to be treated differently in this respect, decides to authorize payment to each member of the Committee on Economic, Social and Cultural Rights of an honorarium equivalent to that payable to the members of other relevant treaty bodies.

1/ Decisions 1993/296, 1993/297 and 1993/298 adopted by the Economic and Social Council at its substantive session in 1993.

DRAFT DECISION III

Resources to enable the Committee on Economic, Social and Cultural Rights to involve experts in its general discussion

The Economic and Social Council, noting the importance of the day of general discussion organized by the Committee on Economic, Social and Cultural Rights at each of its sessions, the purposes of which include developing a deeper appreciation of the standards contained in the Covenant, consulting experts in the field, involving the general public, and providing the foundations for the drafting of general comments, approves the allocation of a sum of $10,000 to enable the Committee at each of its sessions to cover the travel and accommodation costs of experts who would otherwise be unable to contribute to the general discussion.

Ninth session

Resolution adopted by the Committee 2/

Recalling paragraph 35 of section I of the Vienna Declaration and Programme of Action on Human Rights that the promotion and protection of human rights must reflect the high importance accorded to human rights by the Charter of the United Nations and that to this end the United Nations human rights activities should be provided with increased resources,

Recalling in particular paragraphs 9, 10, 11 and 12 of section II.A of the Declaration on resources under the heading "Increased coordination on human rights within the United Nations system",

Noting that the Declaration has reaffirmed that the universal and inalienable right to development must be implemented and realized and has urged the thematic working group on the right to development to consult and cooperate with the other organs and agencies of the United Nations system,

Emphasizing the important role that the Committee on Economic, Social and Cultural Rights can play in this regard, as well as the substantial contribution it can provide to complement the work of the working group,

Emphasizing further that the resources presently available to the Committee on Economic, Social and Cultural Rights hardly enable it to acquit itself of its responsibilities under the Covenant,

Urges the Council, and through it the General Assembly, to give favourable and due consideration to the request of the Committee on Economic, Social and Cultural Rights for (additional) increased resources in order to enable it to carry out both its current mandate and the new tasks evolving from the Vienna Declaration and Programme of Action.

2/ At its 49th meeting, held on 10 December 1993 (E/C.12/1993/SR.49/Add.1).

Chapter II

ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Covenant

1. As at 10 December 1993, the closing date of the ninth session of the Committee on Economic, Social and Cultural Rights, 126 States had ratified or acceded to the International Covenant on Economic, Social and Cultural Rights which was adopted by the General Assembly in resolution 2200 A (XXI) of 16 December 1966 and opened for signature and ratification in New York on 19 December 1966. The Covenant entered into force on 3 January 1976 in accordance with the provisions of its article 27. A list of States parties to the Covenant is contained in annex I to the present report.

B. Sessions and agenda

2. The Committee on Economic, Social and Cultural Rights, at its sixth session, requested the Economic and Social Council to authorize, on an exceptional basis, the holding of an additional session of the Committee in the first half of 1993. 3/ The Economic and Social Council, by its decision 1992/259 of 20 July 1992, endorsed the Committee's recommendation. Accordingly, in 1993, the Committee held its eighth session from 10 to 28 May and its ninth session from 22 November to 10 December. Both sessions were held at the United Nations Office at Geneva. The agenda for each session is shown in annex III to the present report.

3. An account of the Committee's deliberations at its eighth and ninth sessions is contained in the relevant summary records (E/C.12/1993/SR.1-21/Add.1 and E/C.12/1993/SR.22-49/Add.1, respectively).

C. Membership and attendance

4. In accordance with its resolution 1985/17 of 28 May 1985, the Economic and Social Council, at its resumed organizational session on 30 April 1992, elected nine experts as members of the Committee to fill the vacancies created by the expiration of terms of office on 31 December 1992. The following members were elected for the first time: Mrs. Madoe Virginie Ahodikpe (Togo), Mr. Dumitru Ceausu (Romania), Mr. Abdessatar Grissa (Tunisia), and Mrs. Margerita Vysokajova (Czech Republic). Ms. Chikako Taya (Japan) was elected to the Committee after an absence of two years. Mr. Juan Alvarez Vita (Peru), Mrs. María de los Angeles Jiménez Butragueño (Spain), Mr. Kenneth Osborne Rattray (Jamaica) and Mr. Philippe Texier (France) were re-elected. A list of the members of the Committee is given in annex II to the present report.

5. All members of the Committee, except Mr. Abdel Halim Badawi and Mr. Dumitru Ceausu, attended the eighth session. Mr. Kenneth Osborne Rattray and Mr. Jaime Marchan Romero attended only part of the session. All members of the Committee, except Mrs. Margerita Vysokajova, attended the ninth session.

3/ E/1992/23, chapter I, draft decision I (Extraordinary additional session for the Committee on Economic, Social and Cultural Rights).

6. The following specialized agencies and United Nations organs were represented by observers at the eighth session: ILO, UNESCO and WHO; at the ninth session: ILO and WHO.

7. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers at the eighth session:

Category II: International Commission of Jurists, International Service for Human Rights, Baha'i International Community and International Organization for the Development of Freedom of Education.

Roster: Habitat International Coalition.

and at the ninth session:

Category I: World Federation of United Nations Associations.

Category II: International Service for Human Rights, Women's International League for Peace and Freedom, International Federation Terre des Hommes.

Roster: Habitat International Coalition and Foodfirst Information and Action Network (FIAN).

8. At the 1st, 4th and 22nd meetings, on 10, 11 May and 22 November 1993, respectively, members of the Committee, who had been elected or re-elected at the resumed organizational session of the Economic and Social Council in 1992, made a solemn declaration in accordance with rule 13 of the rules of procedure of the Committee prior to assuming their functions.

D. Pre-sessional working group

9. The Economic and Social Council, in its resolution 1988/4 of 24 May 1988, authorized the establishment of a pre-sessional working group composed of five members to be appointed by the Chairman to meet for up to one week prior to each session. By decision 1990/252 of 25 May 1990 the Council authorized the meetings of the working group to be held one to three months prior to a session of the Committee.

10. The Chairperson of the Committee, in consultation with the members of the Bureau, designated the following individuals as members of the pre-sessional working group to meet prior to the ninth session:

Mr. Juan ALVAREZ VITA
Mr. Abdessatar GRISSA
Mrs. Luvsandanzangiin IDER
Mrs. María de los Angeles JIMENEZ BUTRAGUEÑO
Mr. Valeri KOUZNETSOV

11. The pre-sessional working group held its meetings at the United Nations Office at Geneva from 28 June to 2 July 1993. All members of the working group attended its meetings. Mr. Juan Alvarez Vita was elected Chairperson/Rapporteur. The working group identified issues that might most usefully be discussed with the representatives of the reporting States and

lists of such questions were transmitted to the permanent missions of the States concerned. It considered a number of other issues relating to the Committee's work and also held, for the first time, a joint meeting with the members of the pre-sessional working group of the Committee on the Rights of the Child. The working group proposed Mr. Alvarez Vita as Rapporteur and Mrs. Ider, Mr. Grissa and Mr. Kouznetsov as co-Rapporteurs on the Right to Health for the day of general discussion to be held on 6 December 1993.

E. Election of officers

12. In accordance with rule 14 of its rules of procedure, the Committee, at the 1st and 3rd meetings of its eighth session, elected the members of its Bureau, as follows:

Chairperson:	Mr. Philip ALSTON
Vice-Chairpersons:	Mr. Juan ALVAREZ VITA Mr. Alexandre MUTERAHEJURU Mrs. Margerita VYSOKAJOVA
Rapporteur:	Mrs. Virginia BONOAN DANDAN

F. Organization of work

Eighth session

13. At its eighth session, the Committee considered its organization of work at its 1st meeting, held on 10 May 1993, 2nd and 3rd meetings held on 11 May, 11th meeting held on 21 May, 13th meeting held on 24 May, 14th and 15th meetings held on 25 May, 16th and 17th meetings held on 26 May, and 21st meeting held on 28 May. In connection with this item, the Committee had before it the following documents:

(a) Draft programme of work for the eighth session, prepared by the Secretary-General in consultation with the Chairperson of the Committee (E/C.12/1993/L.1);

(b) Reports of the Committee on the work of its first (E/1987/28), second (E/1988/14), third (E/1989/22), fourth (E/1990/23), fifth (E/1991/23), sixth (E/1992/23) and seventh (E/1993/22) sessions.

14. In accordance with rule 8 of its rules of procedure, the Committee at its 1st meeting on 10 May 1993 considered the draft programme of work for its eighth session and approved it, as amended during consideration (see E/C.12/1993/L.1/Rev.1).

Ninth session

15. At its ninth session, the Committee considered its organization of work at its 22nd meeting, held on 22 November 1993, 31st meeting held on 26 November, 38th meeting held on 2 December, 40th meeting held on 3 December, 42nd meeting held on 6 December, 43rd and 44th meetings held on 7 December and 45th meeting held on 8 December. In connection with this item, the Committee had before it the following documents:

(a) Draft programme of work for the ninth session, prepared by the Secretary-General in consultation with the Chairperson of the Committee (E/C.12/1993/L.2);

(b) Reports of the Committee on the work of its first (E/1987/28), second (E/1988/14), third (E/1989/22), fourth (E/1990/23), fifth (E/1991/23), sixth (E/1992/23) and seventh (E/1993/22) sessions.

16. In accordance with rule 8 of its rules of procedure, the Committee at its 22nd and 24th meetings on 22 and 23 November 1993 considered the draft programme of work for its ninth session and approved it, as amended during consideration (see E/C.12/1993/L.2/Rev.1).

G. Next sessions

17. The Committee took note of Economic and Social Council decision 1993/296 of 28 July 1993 by which it authorized the holding of an additional session, of three weeks' duration, of the Committee in the first half of 1994. Accordingly, the tenth session would take place from 2 to 20 May 1994, and the eleventh session would be held from 21 November to 9 December 1994.

H. States parties' reports scheduled for consideration by the Committee at its tenth session

18. The Committee at its 45th meeting, held on 8 December 1993, decided that the following States parties' reports would be considered at its tenth session:

Second periodic reports concerning articles 13 to 15 of the Covenant

Romania	E/1990/7/Add.14
Iraq	E/1990/7/Add.15

Initial reports concerning articles 1 to 15 of the Covenant

Uruguay	E/1990/5/Add.7
Morocco	E/1990/5/Add.13
Belgium	E/1990/5/Add.15
Kenya	E/1990/5/Add.17

19. The Committee also decided that it would review the implementation of the provisions of the Covenant in the four States parties which had not submitted any report at all since their ratification of the Covenant, on the basis of any information that might be available to it: Mali, Mauritius, Guinea and Gambia. It would also review the implementation of the provisions of the Covenant by the Dominican Republic and Panama.

I. Composition of the pre-sessional working group (tenth session of the Committee)

20. The Chairperson of the Committee, in consultation with other members of the Committee, designated on 1 October 1993 the following members to serve on

the Committee's pre-sessional working group: Mr. J. Alvarez Vita, Mr. A.H. Badawi, Mrs. V. Bonoan Dandan, Mrs. L. Ider, Mrs. Jiménez Butragueño and Mr. V. Kouznetsov.

J. Composition of the pre-sessional working group (eleventh session of the Committee)

21. At the 49th meeting, on 10 December 1993, the Chairperson designated the following members to serve on the Committee's pre-sessional working group: Mr. P. Alston, Mr. D. Ceausu, Mr. A. Grissa, Ms. C. Taya and Mr. J. Wimer Zambrano.

Chapter III

OVERVIEW OF THE PRESENT WORKING METHODS OF THE COMMITTEE

22. This chapter of the Committee's report aims at providing a concise and up-to-date overview and explanation of the ways in which the Committee on Economic, Social and Cultural Rights carries out its various functions. It is designed to make the Committee's current practice more transparent and readily accessible so as to assist States parties and others interested in the implementation of the Covenant. Since its first session, in 1987, the Committee has made a concerted effort to devise appropriate working methods which adequately reflect the nature of the tasks with which it has been entrusted. In the course of its nine sessions it has sought to modify and develop these methods in the light of its experience. It may be expected that these methods will continue to evolve, taking account of: the introduction of the new reporting system which requires that a single global report be submitted every five years, the evolution of the procedures developing within the treaty regime as a whole and the feedback which the Committee receives from States parties and the Economic and Social Council.

A. General guidelines for reporting

23. The Committee attaches major importance to the need to structure the reporting process and the dialogue with each State party's representatives in such a way as to ensure that the issues of principal concern to it are dealt with in a methodical and informative manner. For this purpose the Committee has substantially revised its reporting guidelines with a view to assisting States in the reporting process and improving the effectiveness of the monitoring system as a whole. The Committee strongly urges all States parties to report to it in accordance with the guidelines to the greatest extent possible. It notes that, over the course of time, the guidelines adopted at its fifth session (E/1991/23, annex IV) may be revised to take account of its experience therewith.

B. Examination of State parties' reports

1. Work of the pre-sessional working group

24. Since the third session, a pre-sessional working group has met, usually for five days, prior to each of the Committee's sessions. It is composed of five members of the Committee nominated by the Chairperson, taking account of the desirability of a balanced geographical distribution.

25. The principal purpose of the working group is to identify in advance the questions which might most usefully be discussed with the representatives of the reporting States. The aim is to improve the efficiency of the system and to facilitate the task of States' representatives by providing advance notice of many of the principal issues which will arise in the examination of the reports (E/1988/14, para. 361).

26. It is generally accepted that the complex nature and diverse range of many of the issues raised in connection with the implementation of the Covenant constitutes a strong argument in favour of providing States parties with the possibility of preparing in advance to answer some of the principal

questions arising out of their reports. Such an arrangement also enhances the likelihood that the State party will be able to provide precise and detailed information.

27. In terms of its own working methods, the working group, in the interests of efficiency, allocates to each of its members initial responsibility for undertaking a detailed review of a specific number of reports and for putting before the group a preliminary list of issues. The decision as to how the reports should be allocated for this purpose is based in part on the preferred areas of expertise of the member concerned. Each draft is then revised and supplemented on the basis of observations by the other members of the group and the final version of the list is adopted by the group as a whole. This procedure applies equally to both initial and periodic reports.

28. In preparation for the pre-sessional working group, the Committee has asked the secretariat to place at the disposal of its members a country analysis as well as all pertinent documents containing information relevant to each of the reports to be examined. For this purpose the Committee has invited all concerned individuals, bodies and non-governmental organizations to submit relevant and appropriate documentation to the secretariat. It has also asked the secretariat to ensure that certain types of information are regularly placed in the relevant files.

29. In order to ensure that the Committee is as well informed as possible, it provides opportunities for non-governmental organizations to submit relevant information to it. They may do this in writing at any time, in accordance with the appropriate Economic and Social Council procedures. The Committee's pre-sessional working group is also open to the submission of information in person or in writing from any NGOs, provided that it relates to matters on the agenda of the working group. In addition, the Committee sets aside part of the first afternoon at each of its sessions to enable NGO representatives to provide oral information. Such information should: (a) focus specifically on the provisions of the Covenant on Economic, Social and Cultural Rights; (b) be of direct relevance to matters under consideration by the Committee; (c) be reliable; and (d) not be abusive. The relevant meeting is open and provided with interpretation services, but is not covered by summary records.

30. The lists of issues drawn up by the working group are given directly to a representative of the States concerned, along with a copy of the Committee's most recent report and with a note stating, inter alia, the following:

> "The list is not intended to be exhaustive and it should not be interpreted as limiting or in any other way prejudging the type and range of questions which members of the Committee might wish to ask. However, the working group believes that the constructive dialogue which the Committee wishes to have with the representatives of the State party can be facilitated by making the list available in advance of the Committee's session. In order to improve the dialogue that the Committee seeks, it strongly urges each State party to provide in writing its replies to the list of issues and to do so sufficiently in advance of the session at which its report will be considered, to enable the replies to be translated and made available to all members of the Committee."

31. In addition to the task of formulating the lists of questions, the pre-sessional working group is also entrusted with a variety of other tasks designed to facilitate the work of the Committee as a whole. These have in the past included: discussing the most appropriate allocation of time for the consideration of each State report; considering the issue of how best to respond to supplementary reports containing additional information; examining draft general comments; considering how best to structure the day of general discussion; and other relevant matters.

2. Presentation of the report

32. In accordance with the established practice of each of the United Nations human rights treaty monitoring bodies, representatives of the reporting States are entitled, and indeed are strongly encouraged, to be present at the meetings of the Committee when their reports are examined. The following procedure was followed in this regard at the Committee's ninth session. The representative of the State party was invited to introduce the report by making brief introductory comments and introducing any written replies, or otherwise responding orally, to the list of issues drawn up by the pre-sessional working group. A period of time was then allocated to enable the representatives of the specialized agencies to provide the Committee with any observations relevant to the report under consideration. During the same period, members of the Committee were invited to put questions and observations to the representative of the State party. A further period of time, preferably not on the same day, was then allocated to enable the representative to respond, as precisely as possible, to the questions asked. It was generally understood that questions that could not adequately be dealt with in this manner could be the subject of additional information provided to the Committee in writing.

33. The final phase of the Committee's examination of the report consists of the drafting and adoption of the Committee's concluding observations. The Committee has agreed that, as from its tenth session, this task will be approached in the following way. Within a day or so of the completion of the dialogue with the State party's representatives, the Committee will set aside a thirty-minute period, in closed session, to enable its members to express their preliminary views. The member with primary responsibility in relation to the State party concerned will then prepare, with the assistance of the secretariat, a draft set of concluding observations for consideration by the Committee. The agreed structure of the concluding observations is as follows: introduction; positive aspects; factors and difficulties impeding the implementation of the Covenant; principal subjects of concern; and suggestions and recommendations. At a later stage, the Committee then discusses the draft, again in private session, with a view to adopting it by consensus.

34. The concluding observations are formally adopted in public session on the final or penultimate day of the session. As soon as this occurs they are considered to have been made public. They are then forwarded to the State party concerned and included in the Committee's report. If it so wishes, the State party may address any of the Committee's concluding observations in the context of any additional information that it provides to the Committee.

35. When considering reports based on the previous reporting cycle and dealing with only three articles of the Covenant, the Committee has endeavoured to make the most of the very limited time available in which to

undertake a constructive and mutually rewarding dialogue with the representatives of the States parties. This has generally involved an effort to remain within a time-limit for each phase of the examination, on the basis that only one meeting (three hours) can generally be devoted to each report.

36. Since the new reporting periodicity was endorsed by the Economic and Social Council in 1988, the Committee decided at its ninth session that the interim arrangements it had made to facilitate the transition by States parties to the new periodicity would no longer apply as from 1 January 1995. From that date on, all reports submitted to the Committee should be comprehensive reports covering all the provisions of the Covenant in accordance with the reporting guidelines.

37. In general, the Committee devotes three meetings (of three hours each) to its consideration of each global report (dealing with articles 1-15). While the use of the time available varies from one case to another, a reasonably typical allocation is as follows: between one and two hours for the State party representatives to introduce the report and explain the answers provided in advance in writing to the Committee's list of written questions; up to three hours for the members of the Committee to make comments and pose additional questions; up to three hours (at a meeting held the following day) for the representatives of the State party to respond to the additional questions and for further clarification of issues raised; one hour towards the end of the session for the Committee to discuss, in private, its concluding observations.

3. Deferrals of the presentation of reports

38. Last-minute requests by States to defer the presentation of a report which has been scheduled for consideration at a particular session are extremely disruptive for all concerned and have caused major problems for the Committee in the past. Accordingly, the Committee's policy as from its eighth session is not to grant such requests and to proceed with its consideration of all scheduled reports, even in the absence of a representative of the State concerned.

C. Procedures in relation to follow-up action

39. In situations in which the Committee considers that additional information is necessary to enable it to continue its dialogue with the State party concerned, there are several options that might be pursued:

(a) The Committee might note that specific issues should be addressed in a detailed manner in the State party's next periodic report, which would normally be due in five years' time;

(b) The Committee might take note specifically of the State party's stated intention to submit additional information in writing, particularly in response to questions posed by the members of the Committee;

(c) The Committee might specifically request that additional information, relating to matters that it would identify, be submitted to the Committee within six months, thus enabling it to be considered by the pre-sessional working group. In general, the working group could recommend one or another of the following responses to the Committee:

(i) That it take note of such information;

(ii) That it adopt specific concluding observations in response to that information;

(iii) That the matter be pursued through a request for further information; or

(iv) That the Committee's Chairperson be authorized to inform the State party, in advance of the next session, that the Committee would take up the issue at its next session and that, for that purpose, the participation of a representative of the State party in the work of the Committee would be welcome.

(d) The Committee might determine that the receipt of additional information is urgent and request that it be provided within a given time-limit (perhaps 2-3 months). In such a case the Chairperson, in consultation with the members of the Bureau, could be authorized to follow up the matter with the State party if no response is received or if the response is patently unsatisfactory.

40. In situations in which the Committee considers that it is unable to obtain the information it requires on the basis of the above-mentioned procedures, it may decide to adopt a different approach instead. In particular, the Committee may, as has already been done in connection with two States parties, request that the State party concerned accept a mission consisting of one or two members of the Committee. Such a decision would only be taken once the Committee had satisfied itself that there was no adequate alternative approach available to it and that the information in its possession warranted such an approach. The purposes of such an on-site visit would be: (a) to collect the information necessary for the Committee to continue its constructive dialogue with the State party and to enable it to carry out its functions in relation to the Covenant; and (b) to provide a more comprehensive basis upon which the Committee might exercise its functions in relation to articles 22 and 23 of the Covenant concerning technical assistance and advisory services. The Committee would state specifically the issue(s) with respect to which its representative(s) would seek to gather information from all available sources. The representative(s) would also have the task of considering whether the programme of advisory services administered by the Centre for Human Rights could be of assistance in connection with the specific issue at hand.

41. At the conclusion of the visit, the representative(s) would report to the Committee. In the light of the report presented by its representative(s), the Committee would then formulate its own conclusions. Those conclusions would relate to the full range of functions carried out by the Committee, including those relating to technical assistance and advisory services. In a case where the State party concerned did not accept the proposed mission, the Committee would consider making whatever recommendations might be appropriate to the Economic and Social Council.

D. Procedure in response to non-submitted and considerably overdue reports

42. The Committee believes that a situation of persistent non-reporting by States parties risks bringing the entire supervisory procedure into disrepute, thereby undermining one of the foundations of the Covenant.

43. Accordingly, the Committee resolved at its sixth session to begin in due course to consider the situation concerning the implementation of the Covenant in respect of each State party whose initial or periodic reports were very significantly overdue. At its seventh session it resolved to begin scheduling consideration of such reports at its future sessions and to notify the States parties concerned. It began to apply this procedure at its ninth session.

44. The Committee has adopted the following procedure:

(a) To select States parties whose reports are very much overdue on the basis of the length of time involved;

(b) To notify each such State party that the Committee intends to consider the situation with respect to that country at a specified future session;

(c) To move, in the absence of any report, to consider the status of the economic, social and cultural rights in the light of all available information;

(d) To authorize its Chairperson, in situations where the State party concerned indicates that a report will be provided to the Committee and upon a request from the State party, to defer consideration of the situation for one session but not longer.

E. Day of general discussion

45. At each session, the Committee devotes one day, usually the Monday of the third week, to a general discussion of a particular right or of a particular aspect of the Covenant. The purpose is twofold: the day assists the Committee in developing in greater depth its understanding of the relevant issues; and it enables the Committee to encourage inputs into its work from all interested parties. The following issues have been the focus of discussion: the right to adequate food (third session); the right to housing (fourth session); economic and social indicators (sixth session); the right to take part in cultural life (seventh session); the rights of the ageing and elderly (eighth session); and the right to health (ninth session). Future topics that have been scheduled are: the role of social safety nets (tenth session); and human rights education (eleventh session).

F. Other consultations

46. The Committee has sought to coordinate its activities with those of other bodies to the greatest extent possible and to draw as widely as it can upon available expertise in the fields of its competence. For this purpose, it has consistently invited individuals such as special rapporteurs of the

Sub-Commission on Prevention of Discrimination and Protection of Minorities, chairpersons of Commission on Human Rights working groups and others to address it and engage in discussions.

47. The Committee has also sought to draw upon the expertise of the relevant specialized agencies and United Nations organs, both in its work as a whole and, more particularly, in the context of its general discussions.

48. In addition, the Committee has invited a variety of experts who have a particular interest in, and knowledge of, some of the issues under review, to contribute to its discussions. These contributions have added considerably to its understanding of some aspects of the questions arising under the Covenant.

G. General comments

49. In response to an invitation addressed to it by the Economic and Social Council, the Committee decided to begin, as from its third session, the preparation of general comments based on the various articles and provisions of the International Covenant on Economic, Social and Cultural Rights with a view to assisting the States parties in fulfilling their reporting obligations.

50. By the end of its ninth session, the Committee and the Sessional Working Group of Governmental Experts which existed prior to the creation of the Committee had examined 146 initial reports, 63 second periodic reports concerning rights covered by articles 6 to 9, 10 to 12 and 13 to 15 of the Covenant and 13 global reports. This experience covered a significant number of States parties to the Covenant, which consisted of 126 States at the end of the ninth session. They represented all regions of the world, with different political, legal, socio-economic and cultural systems. Their reports submitted so far illustrated many of the problems which might arise in implementing the Covenant, although they had not yet provided any complete picture of the global situation with regard to the enjoyment of economic, social and cultural rights.

51. The Committee endeavours, through its general comments, to make the experience gained so far through the examination of those reports available for the benefit of all States parties in order: to assist and promote their further implementation of the Covenant; to draw the attention of the States parties to insufficiencies disclosed by a large number of reports; to suggest improvements in the reporting procedures and to stimulate the activities of the States parties, the international organizations and the specialized agencies concerned in achieving progressively and effectively the full realization of the rights recognized in the Covenant. Whenever necessary, the Committee may, in the light of the experience of States parties and of the conclusions which it had drawn therefrom, revise and update its general comments.

52. The Committee has so far adopted the following general comments: General Comment number 1 (1989) on reporting by States parties; General Comment number 2 (1990) on international technical assistance measures; General Comment number 3 (1990) on the nature of States parties' obligations; and General Comment number 4 (1991) on the right to adequate housing.

Chapter IV

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

53. In accordance with rule 58 of its rules of procedure, the Committee at its 36th meeting, held on 1 December 1993, considered the status of submission of reports under articles 16 and 17 of the Covenant.

54. In that connection, the Committee had before it the following documents:

(a) Note by the Secretary-General on the revised general guidelines regarding the form and contents of reports to be submitted by States parties (E/C.12/1991/1);

(b) Note by the Secretary-General on States parties to the Covenant and the status of submission of reports as at 1 August 1993 (E/C.12/1993/12).

55. The Secretary-General informed the Committee that, in addition to the reports scheduled for consideration by the Committee at its ninth session (see paras. 61 and 62 below), he had received, as at 1 December 1993, the reports submitted under articles 16 and 17 of the Covenant by the following States parties: second periodic report on articles 10 to 12 of the United Kingdom of Great Britain and Northern Ireland: Dependent Territories (E/1986/4/Add.27); second periodic reports on articles 13 to 15 of Romania (E/1990/7/Add.14); Iraq (E/1990/7/Add.15); the United Kingdom of Great Britain and Northern Ireland and Dependent Territories (E/1990/7/Add.16); initial reports on articles 1 to 15 of Morocco (E/1990/5/Add.13); Belgium (E/1990/5/Add.15); Kenya (E/1990/5/Add.17); Argentina (E/1990/5/Add.18); the Republic of Korea (E/1990/5/Add.19) and Suriname (E/1990/5/Add.20); second periodic report on articles 1 to 15 of Austria (E/1990/6/Add.5); and additional information from the United Kingdom of Great Britain and Northern Ireland (E/1989/5/Add.9).

56. In accordance with rule 57, paragraph 1, of the Committee's rules of procedure, a list of States parties together with an indication of the status of submission of their reports is contained in annex I to the present report. In accordance with rule 57, paragraph 2, the Committee made a number of recommendations to the Economic and Social Council which are included in chapter VII of the present report.

Chapter V

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Eighth session

57. At its eighth session, the Committee examined five reports submitted by five States parties under articles 16 and 17 of the Covenant and reviewed the implementation of the provisions of the Covenant in Kenya in accordance with the decision taken at its seventh session. 4/ It devoted 16 meetings to the consideration of these reports (E/C.12/1993/SR.4-11, 13-16, 18-21).

58. The reports before the Committee at its eighth session were the following:

Initial reports concerning articles 10 to 12 of the Covenant

Nicaragua	E/1986/3/Add.15

Second periodic reports concerning articles 13 to 15 of the Covenant

Ukraine	E/1990/7/Add.11
Germany	E/1990/7/Add.12
Australia	E/1990/7/Add.13

Initial reports concerning articles 1 to 15 of the Covenant

Iceland	E/1990/5/Add.6
Uruguay	E/1990/5/Add.7
Islamic Republic of Iran	E/1990/5/Add.9
Viet Nam	E/1990/5/Add.10
Lebanon	E/1990/5/Add.16

Second periodic reports concerning articles 10 to 15 of the Covenant

Canada	E/1990/6/Add.3

59. At its 1st meeting, held on 10 May 1993, the Committee agreed, at the request of the Governments concerned, to postpone to its ninth session consideration of the initial report of Nicaragua (E/1986/3/Add.15) concerning articles 10 to 12 of the Covenant, the second periodic reports of Germany (E/1990/7/Add.12) and Ukraine (E/1990/7/Add.11) concerning articles 13 to 15 of the Covenant and the initial report of Iceland (E/1990/5/Add.6) concerning articles 1 to 15 of the Covenant. At its 2nd meeting, held on 11 May 1993, the Committee agreed, at the request of the Government of Uruguay, to postpone to its ninth session consideration of the initial report of Uruguay (E/1990/5/Add.7) concerning articles 1 to 15 of the Covenant. At its 14th meeting, the Committee, having taken note of the willingness of the Government of Suriname to submit a written report in the near future, decided not to review the implementation of the provisions of the Covenant in Suriname at the eighth session. In view of the submission, on 3 May 1993, by the

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4/ E/1993/22, para. 17.

Government of Belgium of its initial report concerning articles 1 to 15 of the Covenant, the Committee decided that it would consider the report of Belgium at one of its subsequent sessions.

60. In accordance with rule 62 of the Committee's rules of procedure, representatives of all the reporting States were invited to participate in the meetings of the Committee when their reports were examined. All the States parties whose reports were considered by the Committee sent representatives to participate in the examination of their respective reports. The review of the implementation of the provisions of the Covenant in Kenya was carried out in the absence of representatives of that State party.

Ninth session

61. At its ninth session, the Committee examined 10 reports submitted by 6 States parties under articles 16 and 17 of the Covenant. It devoted 21 of the 28 meetings it held during the ninth session to the consideration of these reports (E/C.12/1993/SR.24-40, 45/Add.1, 46, 48/Add.1 and 49).

62. The following reports were before the Committee at its ninth session:

Initial reports concerning articles 6 to 9 of the Covenant

Senegal	E/1984/6/Add.22

Initial reports concerning articles 10 to 12 of the Covenant

Nicaragua	E/1986/3/Add.15
	E/1986/3/Add.16

Second periodic reports concerning articles 13 to 15 of the Covenant

Germany	E/1990/7/Add.12

Initial reports concerning articles 1 to 15 of the Covenant

New Zealand	E/1990/5/Add.5
New Zealand (Tokelau)	E/1990/5/Add.11
New Zealand (Niue)	E/1990/5/Add.12
Iceland	E/1990/5/Add.6
	E/1990/5/Add.14
Uruguay	E/1990/5/Add.7

Second periodic reports concerning articles 1 to 15 of the Covenant

Mexico	E/1990/6/Add.4

63. At its 1st meeting, held on 22 November 1993, the Committee agreed, at the request of the Government of Uruguay, to postpone to its tenth session the consideration of the initial report of that State party (E/1990/5/Add.7) concerning articles 1 to 15 of the Covenant.

64. In accordance with rule 62 of the Committee's rules of procedure, representatives of all the reporting States were invited to participate in the meetings of the Committee when their reports were examined. All the States

parties whose reports were considered by the Committee sent representatives to participate in the examination of their respective reports. In accordance with a decision adopted by the Committee at its second session, the names and positions of the members of each State party's delegation are listed in annex IV to the present report.

65. At its eighth session, the Committee decided to discontinue its practice of including in its annual report summaries of the consideration of country reports. In accordance with modified rule 57 of the Committee's rules of procedure, the annual report shall contain, inter alia, the concluding observations of the Committee relating to each State party's report. Accordingly, the following paragraphs arranged on a country-by-country basis in the sequence followed by the Committee in its consideration of the reports contain the concluding observations adopted by the Committee with respect to the States parties' reports considered at its eighth and ninth sessions.

Eighth session

KENYA

66. The Committee considered the state of implementation by Kenya of the economic, social and cultural rights contained in the Covenant at its 4th and 19th meetings on 17 and 27 May 1993 and, at its 19th meeting, adopted the following concluding observations.

A. Review of the implementation of the Covenant in relation to States parties which have failed to report

67. At its seventh session, the Committee on Economic, Social and Cultural Rights decided to proceed to a consideration of the state of implementation of the International Covenant on Economic, Social and Cultural Rights in a number of States parties which, despite many requests to do so, had not fulfilled their reporting obligations under articles 16 and 17 of the Covenant.

68. The purpose of the reporting system established by the Covenant is for the States parties to report to the competent monitoring body, the Committee on Economic, Social and Cultural Rights, and through it, to the Economic and Social Council, on the measures which they have adopted, the progress made, and the difficulties encountered in achieving the observance of the rights recognized in the Covenant. Non-performance by a State party of its reporting obligations, in addition to constituting a breach of the Covenant, creates a severe obstacle to the fulfilment of the Committee's functions. Nevertheless, the Committee has to perform its supervisory role in such cases, and must do so on the basis of all reliable information available to it.

69. In situations in which a Government has not supplied the Committee with any information as to how it evaluates its own compliance with its obligations under the Covenant, the Committee has to base its observations on a variety of materials stemming from both intergovernmental and non-governmental sources. While the former provide mainly statistical information and apply important economic and social indicators, the information gathered from the relevant academic literature, from non-governmental organizations and from the press tends, by its very nature, to be more critical of the political, economic and social conditions in the countries concerned. Under normal circumstances, the constructive dialogue between a State party reporting and the Committee will

provide an opportunity for the Government concerned to voice its own view, and to seek to refute such criticism and convince the Committee of the conformity of its policies with what is required by the Covenant. Non-submission of reports and non-appearance before the Committee deprives a Government of this possibility to set the record straight.

B. Kenya - Introduction

70. Kenya has been a party to the Covenant since 3 January 1976, the date of its entry into force. Since then, it has not submitted a single report. The Committee strongly urges the Government of Kenya to live up to its reporting obligations as soon as possible so that the Covenant on Economic, Social and Cultural Rights can be given full effect, for the benefit of the people of Kenya. The Committee emphasizes that it considers the non-performance by Kenya of its reporting obligations not only a violation of the Covenant but also a grave impediment to an adequate application of the Covenant.

C. Factors and difficulties impeding the application of the Covenant

71. The Committee takes note of the fact that performance by Kenya of the obligations arising from the Covenant on Economic, Social and Cultural Rights cannot be evaluated without taking into consideration the political, economic and social conditions in which the country finds itself at present. Kenya is currently suffering severe political as well as economic turbulence. The transition from the one-party rule exercised by KANU to a truly democratic multi-party system seems to be under way, albeit slowly, and in the face of numerous obstacles set up by those in power. Frictions appear to be severe in all domains of public life, culminating in violent clashes among certain ethnic groups which have cost more than a thousand lives so far. Conditions are aggravated further by the influx of a large number of refugees and displaced persons as well as by the persistent drought in some parts of the country.

72. The Committee notes that, in the economic field, the international donor community, the World Bank and the International Monetary Fund in particular, are calling for a thorough liberalization of Kenya's economy and finances, a system hitherto marked by pervasive State interventionism. From the viewpoint of the Covenant and its interpretation by the Committee, any reform measures must be accompanied by the adoption of targeted programmes designed to protect specifically the vulnerable groups and members of society. As far as the Committee has been able to ascertain, the Government of Kenya has demonstrated very little awareness or willingness in this regard. A lack of financial resources is cited by way of justification for the comprehensive neglect of such protective measures. The reform process appears to be complicated and slowed down by mismanagement as well as by a determination to maintain the political status quo.

73. The Committee further notes that, within the last 12 months, the economic situation of the vast majority of the population of Kenya has deteriorated considerably. Due in part to measures taken by the central bank of Kenya, inflation has increased immensely. This has led to a redistribution of income which has made the rich even richer and the poor even poorer than before. Wage rises have been significantly below the rate of inflation.

D. Positive aspects

74. The Committee notes that Kenya's economy and social welfare system, particularly in the field of education and health care, used to be, and probably still is, more highly developed than that of many other countries in the region.

E. Principal subjects of concern

75. The Committee is deeply concerned, however, that the social system will no longer be able to cope with the consequences of the economic and social crisis. If carefully targeted measures are not undertaken, current developments will lead to even greater deprivation of the economic and social rights of the Kenyan people.

76. More specifically, the Committee notes with concern that the rights recognized by Kenya as a State party to the International Covenant on Economic, Social and Cultural Rights are contained neither in the Constitution of Kenya nor in a separate bill of rights; nor do the provisions of the Covenant seem to have been incorporated into the municipal law of Kenya. Neither does there exist any institution or national machinery with responsibility for overseeing the implementation of human rights in the country. According to the information available to the Committee, the High Court does not play an effective role in the enforcement of human rights.

77. The Committee expresses its concern that no effort has been made by the Government of Kenya to promote awareness of the rights recognized in the Covenant. On the contrary, there are reports that the Government has frustrated efforts by non-governmental organizations to spread such awareness.

78. With regard to the rights contained in articles 6 and 7 of the Covenant, the Committee notes with concern that the possibilities of employment creation are extremely limited and, at present, only a small proportion of young persons leaving school can expect to find work. The labour force participation rate is decreasing, as is the level of annual earnings at the minimum wage (in US dollars at the official exchange rate). These minimum wages appear to be far too low to allow even a very modest standard of living. Furthermore, the enforcement of minimum wages does not seem to be adequately secured in practice. Generally, wages have not kept pace with the high rise in the rate of inflation.

79. Concerning the rights contained in article 8 of the Covenant, the Committee is of the view that the domination of the Central Organization of Trade Unions (COTU) by KANU appears to contravene the letter and spirit of the Covenant. The same observation seems to be valid with regard to the regulation of the right to strike in the Trade Disputes Act.

80. With regard to article 9 of the Covenant, the Committee expresses its concern that married women whose husbands are in taxable employment cannot participate in the scheme of the National Hospital Insurance Fund. The Committee is also concerned by reports of large-scale mismanagement of the National Social Security Fund.

81. Concerning the rights recognized in article 10 of the Covenant, the Committee expresses its profound concern about the fate of the great number of street (parking) children. The public funds earmarked for destitute children appear to the Committee to be pitifully inadequate. Further, the Committee is distressed about the apparent fact that child prostitution is common in many parts of Kenya and that the Government has thus not ensured children the special protection to which the Covenant entitles them.

82. As to the right to an adequate standard of living for everyone, recognized in article 11 of the Covenant, the Committee reiterates its grave concern that the current economic and fiscal policies of the Government of Kenya are not designed to secure this right for the overwhelming majority of the population. The Committee notes reports that between 1980 and 1989 no less than 44 per cent of the population - in rural areas 55 per cent - lived below the poverty line. The Committee further notes a distressing inequality in income distribution. The Committee is also concerned about the fact that more than 30 per cent of the population of Kenya are reported to suffer from malnutrition. With regard to the right to adequate housing, the Committee notes with great concern that practices of forced evictions without consultation, compensation or adequate resettlement appear to be widespread in Kenya, particularly in Nairobi.

83. Turning to article 12 of the Covenant, on the right to health, the Committee is concerned about the fact that government expenditure on health care appears to be constantly decreasing. It is also concerned that the introduction of fees for treatment in hospitals has its most negative effects on the particularly vulnerable groups and members of Kenyan society.

84. Regarding the right to education, the Committee expresses its concern about the low school attendance of children in the poorest areas of the country and in nomadic communities. The Committee observes that the obligation of States parties to the Covenant to ensure that "primary education shall be compulsory and available free to all" applies in all situations including those in which local communities are unable to furnish buildings, or individuals are unable to afford any costs associated with attendance at school. The Committee also draws the attention of the Government of Kenya to the obligation, contained in article 14 of the Covenant, and applying in cases where free compulsory education has not been assured, to "work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years" of the relevant right. The Committee also regrets the significant gender disparities and regional differences with regard to access to education, the significant difference in quality between the government secondary schools and the Harambee or community schools, as well as the difficulties encountered through the introduction of the new 8-4-4 system of education.

85. With regard to the rights recognized in article 15 of the Covenant, the Committee expresses its deep concern about the fact that, according to information available to it, academic freedom in Kenya is still seriously curtailed through intimidation and a variety of measures such as the need for academics to obtain official research and travel clearance. The Committee also regrets the frequent interventions by the Government in cultural life through, for example, the banning of plays and the prohibition of certain books and periodicals.

86. The Committee expresses its concern that the policies of the Kenyan Government to ensure the protection of the economic, social and cultural rights of women and to discourage violence against, and sexual abuse of, women do not appear adequate.

87. The Committee expresses its concern about the marginalization of ethnic minorities in Kenya, particularly of the nomadic pastoralists and the ethnic Somalis in the North Eastern Province.

F. Suggestions and recommendations

88. The Committee reiterates its request that the Government of Kenya actively participate in a constructive dialogue with the Committee on how the obligations arising from the International Covenant on Economic, Social and Cultural Rights can be fulfilled in a more adequate manner. It calls to the Government's attention the fact that the Covenant creates a legal obligation for all States parties to submit periodic reports and that Kenya has been in breach of this obligation for many years.

89. The Committee recommends that the Government of Kenya avail itself of the advisory services of the United Nations Centre for Human Rights in order to enable it to submit as soon as possible a comprehensive report on the implementation of the Covenant in conformity with the Revised General Guidelines adopted by the Committee in 1990 (E/C.12/1991/1) and with particular emphasis on the issues raised and concerns expressed in the present concluding observations.

CANADA

90. The Committee considered the second periodic report of Canada on articles 10 to 15 of the Covenant (E/1990/6/Add.3) at its 5th and 6th meetings on 17 and 18 May 1993 and, at its 18th meeting, on 27 May, adopted the following concluding observations.

A. Introduction

91. The Committee commends the State party on its excellent report which contains detailed and complete information on the legal framework for the implementation of the rights under consideration, on the manner of interpretation and application of many of the respective laws by the Canadian courts, as well as on the programmes and initiatives designed to realize economic, social and cultural rights. The Committee welcomes the extensive statistical data provided by the Government and appreciates the considerable efforts made to provide further information in reply to the questions submitted in writing. The Committee notes with satisfaction the detailed explanation given by the delegation of Canada to all questions raised by the Committee, as well as the fact that several ministries, departments and agencies had been consulted in the course of the preparation of the report.

92. Finally, the Committee is very appreciative of the constructive manner in which the delegation referred to the contributions of Canadian non-governmental organizations to the Committee's review of the implementation of the Covenant in Canada.

B. Positive aspects

93. The Committee notes with satisfaction the general strengthening of the protection of human rights in Canada through the Canadian Charter of Rights and Freedoms and through improvements of other human rights legislation. The Committee was informed that the Charter of Rights and Freedoms guarantees, in section 7, the right to security of the person and, in section 15, the equal benefit and protection of the law. It notes with satisfaction that Canadian courts have applied these provisions to cover certain economic and social rights, and that the Supreme Court of Canada has, on occasion, turned to the International Covenant on Economic, Social and Cultural Rights for guidance as to the meaning of provisions of the Charter.

94. The Committee notes, in particular, that the courts have applied section 15 of the Charter to extend parental benefits and security of tenure in the field of housing. The Committee was informed that the process of interpretation of the Charter is still in its early stages, but that its provisions and the interpretations adopted by the Supreme Court in early cases suggest that Canadian courts will give full consideration to the rights in the Covenant when interpreting and applying the Canadian Charter of Rights and Freedoms.

95. The Committee has received information on the Court Challenges Programme which has, in the past, enabled disadvantaged groups or individuals to take important test cases before the courts. Recognizing the importance of effective legal remedies against violations of social, economic and cultural rights, and of remedying the conditions of social and economic disadvantage of the most vulnerable groups and individuals, the Committee highly commends the State party for having developed such a programme.

96. The Committee notes with satisfaction that the State party has made significant progress in many areas covered by articles 10-15. It notes improvements to maternity and parental benefits and important initiatives to prevent child abuse and neglect and address domestic violence. It notes that a child tax credit has been introduced to assist low income families.

97. The Committee notes with satisfaction that the poverty rate among elderly couples has declined significantly over the last decade, primarily because of the positive effect of the Old Age Security Programme and the Guaranteed Income Supplement.

98. The Committee notes with satisfaction that Canadians as a whole enjoy a high standard of health care, with a health-care system based on universality and accessibility. The Committee notes that infant mortality rates among Canadians have declined, particularly among aboriginal Canadians, a group which previously had extremely high infant mortality rates.

C. Factors and difficulties impeding the application of the Covenant

99. The State party reported no fundamental difficulties impeding the application of the Covenant, although it was noted that Canada has been affected by the recent recession. By the same token it enjoyed one of the highest rates of economic growth during the 1980s.

100. On a technical level, the State party reported that it takes considerable time to compile information requested by the Committee because of the involvement of 10 provinces and 2 territories in most of the areas covered by the Covenant.

D. Principal subjects of concern

101. In view of the obligation arising out of article 2 of the Covenant to apply the maximum of available resources to the progressive realization of the rights recognized in the treaty, and considering Canada's enviable situation with regard to such resources, the Committee expresses concern about the persistence of poverty in Canada. There seems to have been no measurable progress in alleviating poverty over the last decade, nor in alleviating the severity of poverty among a number of particularly vulnerable groups.

102. In particular the Committee is concerned about the fact that, according to information available to it, more than half the single mothers in Canada, as well as a large number of children, live in poverty. The State party has not outlined any new or planned measures to remedy this situation. Of particular concern to the Committee is the fact that the Federal Government appears to have reduced the ratio of its contributions to cost-sharing agreements for social assistance.

103. The Committee received information from non-governmental organizations about families being forced to relinquish their children to foster care because of their inability to provide adequate housing or other necessities.

104. The Committee is concerned that there seems to exist no procedure to ensure that those who must depend entirely on welfare payments do not thereby derive an income which is at or above the poverty line.

105. A further subject of concern for the Committee is the evidence of hunger in Canada and the reliance on food banks operated by charitable organizations.

106. The Committee is concerned that the right to security of tenure is not enjoyed by all tenants in Canada.

107. The Committee has learned from non-governmental organizations of widespread discrimination in housing against people with children, people on social assistance, people with low incomes, and people who are indebted. Although prohibited by law in many of Canada's provinces, these forms of discrimination are apparently common. A more concerted effort to eliminate such practices would therefore seem to be in order.

108. The Committee notes the omission from the Government's written report and oral presentation of any mention of the problems of homelessness. The Committee regrets that there are no figures available from the Government on the extent of homelessness, on the numbers of persons evicted annually throughout the country, on the lengths of waiting lists or on the percentage of houses accessible to people with disabilities.

109. Given the evidence of homelessness and inadequate living conditions, the Committee is surprised that expenditures on social housing are as low as 1.3 per cent of Government expenditures.

110. The Committee is concerned that, in some court decisions and in recent constitutional discussions, social and economic rights have been described as mere "policy objectives" of Governments rather than as fundamental human rights. The Committee is also concerned to receive evidence that some provincial governments in Canada appear to take the position in courts that the rights in article 11 of the Covenant are not protected, or only minimally protected, by the Charter of Rights and Freedoms. The Committee would wish to have heard of some measures being undertaken by provincial governments in Canada to provide for more effective legal remedies against violations of each of the rights contained in the Covenant.

111. The Committee is very concerned to learn that the Court Challenges Programme has been cancelled.

112. The Committee is concerned to learn that, in a few cases, courts have ruled that the right to security of the person in the Charter does not protect Canadians from social and economic deprivation, or from infringements of their rights to adequate food, clothing and housing.

113. The Committee is concerned that provincial human rights legislation has not always been applied in a manner which would provide improved remedies against violations of social and economic rights, particularly concerning the rights of families with children, and the right to an adequate standard of living, including food and housing.

E. Suggestions and recommendations

114. The Committee recommends the incorporation in human rights legislation of more explicit reference to social, economic and cultural rights.

115. The Committee recommends concerted Government action to eliminate the need for food banks.

116. The Committee recommends the extension of security of tenure to all tenants and draws the attention of the State party to its General Comment number 4 on the Right to Adequate Housing (article 11, para. 1 of the Covenant), in particular paragraph 8.

117. The Committee recommends that the Federal Government implement the recommendations of the Standing Committee on Human Rights and the Status of Disabled Persons, of June 1992, to restore the Court Challenges Programme, and that funding also be provided for Charter challenges by disadvantaged Canadians of provincial legislation.

118. In recognition of the increasingly important role played by the courts in ordering remedial action against violations of social and economic rights, the Committee recommends that the Canadian judiciary be provided with training courses on Canada's obligations under the Covenant and on their effect on the interpretation and application of Canadian law.

119. The Committee encourages the Canadian courts to continue to adopt a broad and purposive approach to the interpretation of the Charter of Rights and Freedoms and of human rights legislation so as to provide appropriate remedies against violations of social and economic rights in Canada.

120. The Committee recommends that the key governmental bodies concerned enter into a dialogue at the domestic level with the representatives of the Canadian non-governmental organizations that have presented information to the Committee.

121. Finally, the Committee requests the Canadian Government to inform the Committee of any developments and measures taken with regard to the issues raised and recommendations made in paragraphs 14 to 32 of the present concluding observations.

ISLAMIC REPUBLIC OF IRAN

122. The Committee considered the initial report of the Islamic Republic of Iran (E/1990/5/Add.9) at its 7th, 8th, 9th and 20th meetings on 18, 19 and 28 May 1993 and, at its 20th meeting, adopted the following concluding observations.

A. Introduction

123. The Committee expresses its appreciation to the State party for its willingness to cooperate with the Committee and for engaging in a dialogue with the Committee. The Committee notes with satisfaction that some of the concluding observations formulated by the Committee at its fifth session (E/1991/23, paras. 209-212) have been given consideration by the Government of Iran and that, as requested by the Committee, the report under consideration also contains information relating specifically to the implementation of article 15 of the Covenant as well as information concerning the situation of women in Iran. At the same time, the Committee finds that the report, being essentially legalistic, does not include sufficient information about the implementation of the Covenant in practice and about factors and difficulties which might impede the application of the Covenant. Moreover, the report does not provide sufficient information on the implementation of articles 1 to 5 of the Covenant. In view of the foregoing, the Committee welcomes the oral replies and clarification provided by the delegation of the State party that, to some extent, supplemented the information provided in the written report and permitted the Committee to obtain a clearer picture of the degree of implementation by the Government of Iran of the provisions of the Covenant.

B. Positive aspects

124. The Committee notes that the rate of unemployment, which had risen to 15 per cent as a result of the war with Iraq has, in the four years since the end of the war, fallen to 10 per cent; that under new labour legislation annual leave has been increased from 12 to 30 days and that the minimum age for employment has been raised from 12 to 15 years; that the Ministry of Labour has established a countrywide network of labour inspectors whose task is to ensure compliance with labour regulations and who have the authority to shut down part or the whole of an enterprise in which safety measures are considered inadequate.

C. Factors and difficulties impeding the application of the Covenant

125. The Committee notes that the written report submitted by the Government of Iran contains no information on the factors and difficulties affecting the degree of fulfilment of its obligations under the present Covenant as required

by article 17 (2) of the Covenant. However, the Committee observes that various articles of the Constitution of Iran subject the enjoyment of universally recognized human rights, including economic, social and cultural rights, to such restrictions as: "provided it is not against Islam" (art. 28); "with due regard to Islamic standards" (art. 20); "in conformity with the Islamic criteria" (art. 20); and "except when it is detrimental to the fundamental principles of Islam" (art. 24). In that connection the Committee considers, in the light of the Covenant provisions and of all the information available to it, that such restrictive clauses negatively affect the application of the Covenant, in particular its articles 2 (2) (non-discrimination), article 3 (equality of rights of men and women), article 6 (right to work), article 12 (right to health), article 13 (right to education) and article 15 (right to take part in cultural life). It is apparent that the authorities in Iran are using the religion as a pretext in order to abuse these rights.

D. Principal subjects of concern

126. The Committee regrets that the documentation made available to it by non-governmental organizations and the report of the Special Representative of the Commission on Human Rights, Mr. Reynaldo Galindo Pohl (E/CN.4/1993/41 and Add.1), confirm the broad consensus that there has been practically no progress in ensuring greater respect and protection for rights of the non-Muslim religious communities in the Islamic Republic of Iran in general, and of the economic, social and cultural rights of persons belonging to those minority groups in particular. The Committee again draws attention to the following concerns expressed at its fifth session, in 1990, about the situation of certain minority groups, which have not been satisfactorily answered in the course of the present session:

(a) Violation of the rights of the Baha'i community;

(b) Violation of economic, social and cultural rights in addition to violation of political and civil rights;

(c) Discrimination on religious grounds in the educational system;

(d) Insufficiency of the education offered to children belonging to the Kurdish minority;

(e) Prohibition of the admission to university of Baha'is;

(f) Restriction of freedom of debate and choice in university institutions;

(g) The situation of the Kurds and the disparities that exist between the different ethnic and economic groups in the enjoyment of their rights to education, work, travel, housing and cultural activities.

127. The Committee expresses its particular concern about the non-performance by the Government of Iran of its obligation under article 3 of the Covenant, under which the States parties undertake to ensure the equality of men and women in the enjoyment of all economic, social and cultural rights set forth in the Covenant. In that connection the Committee finds that the situations in which women are not permitted to study engineering, agriculture, mining or

metallurgy or to become magistrates; in which they are excluded from a very large number of specific subjects at university level; and in which they need their husbands' permission to work or travel abroad; to be incompatible with the obligations undertaken by the State party under the Covenant. The Committee seeks further clarification as to which women's rights have been "revived" in accordance with article 21 (i) of the Constitution.

128. In relation to the right to take part in cultural life, the Committee also wishes to receive more precise information on legislation and policies protecting creative freedom. In particular, the Committee expresses its grave concern about the negative implications for this right of the issuance of fatwahs. During the Committee's examination of the report, several members drew attention in this regard to the case of an author, Mr. Salman Rushdie. While appreciating that fatwahs are issued by the religious authorities and not by State organizations per se, the question of State responsibility clearly arises in circumstances in which the State does not take whatever measures are available to it to remove clear threats to the rights applicable in Iran in consequence of its ratification of the Covenant. The Committee calls upon the Government of Iran to affirm that it rejects the acceptability, in terms of its international human rights obligations, of the issuance of such fatwahs. It also requests the Government to assure the Committee that if such a fatwah were to be carried out in Iran, or elsewhere by an Iranian citizen, the Government would ensure the criminal prosecution of the individual(s) concerned.

E. Suggestions and recommendations

129. The Committee recommends that the State party should spell out a clear legislative, judicial and administrative basis for giving fullest possible effect to the provisions of the Covenant "with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures" (art. 2 (1) of the Covenant). The Committee invites the Government of Iran to undertake the necessary steps, both legislative and practical, in order to ensure that the rights enunciated in the Covenant are able to be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, especially in the case of ethnic or religious minorities. The Committee notes that the obligation to ensure equal opportunity for women warrants particular attention, especially in relation to the right to work, family related rights and the right to education.

130. The Committee further recommends that the second periodic report of Iran should contain information not only on legislative measures adopted, but also on the application of these measures, on the difficulties encountered in the process of their implementation, and on the issues dealt with in the present concluding observations.

VIET NAM

131. The Committee considered the initial report of the Socialist Republic of Viet Nam (E/1990/5/Add.10) at its 9th, 10th and 11th meetings on 19 and 21 May 1993 and, at its 19th meeting, on 27 May, adopted the following concluding observations.

A. Introduction

132. The Committee expresses its appreciation to the State party for the submission of its report and its willingness to hold a frank and constructive dialogue on the situation of economic, social and cultural rights in the Socialist Republic of Viet Nam. It takes note with satisfaction of the full replies and oral explanations provided by the State party in connection with the written questions submitted to it.

133. The written report, the additional information provided by the representative of the State party and his oral replies to the questions asked by the members of the Committee give a clearer and up-to-date picture of the progress made and the difficulties impeding the realization of economic, social and cultural rights in Viet Nam.

B. Positive aspects

134. The Committee takes note with satisfaction of the information provided by the representative of the State party on the adoption in April 1992 of a new Constitution, which replaces the 1980 Constitution and embodies major advances as far as fundamental rights in the country are concerned. These changes are all the more obvious in that the initial report submitted by the State party on 23 January 1992 reflects the situation that existed prior to the entry into force of the new Constitution.

135. The Committee has also received the information furnished by the State party on the drafting of the new Labour Code, which will, once adopted, introduce a number of necessary labour reforms and improvements.

136. The Committee welcomes the efforts made by the State party to implement a far-reaching programme of reforms to deal with the serious problems resulting from a lengthy war, which has wreaked havoc in the economy and the most vulnerable sectors of society.

137. In general, the Committee appreciates the fact that the report of the State party was introduced openly and frankly, without avoiding the problems which still exist and affect the full realization of economic, social and cultural rights in Viet Nam.

C. Factors and difficulties impeding the application of the Covenant

138. The Committee notes that the country's history of a lengthy war, its partition and subsequent reunification, and the complex process of transition from a centrally planned economy to a market economy, have created serious difficulties impeding the full application of the International Covenant on Economic, Social and Cultural Rights. Additional impediments include: high rates of inflation; the continuing subordination of women; a reliance upon child labour which jeopardizes the access of children to education; and a lack of resources to finance basic social security, health and education programmes. The Committee has also been informed that difficulties have arisen from the persistent dependence on an agricultural economy based on the cultivation of a single crop.

D. Principal subjects of concern

139. The Committee expresses its concern about the absence of an independent and pluralistic trade union movement and the lack of clear and specific rules on the right to strike.

140. With regard to education, it notes that, despite the progress made, there is still no programme to guarantee free primary education. It also notes that there are high rates of absenteeism from school and a growing number of street children involved in unlawful activities, such as prostitution, drug abuse and illicit trafficking in drugs.

141. The Committee notes that some types of discrimination are practised more or less systematically on the basis of preferences in favour of persons from certain groups, such as children of war victims and decorated families.

E. Suggestions and recommendations

142. In view of the positive developments that have taken place in the implementation of economic, social and cultural rights in the last few years of national reunification and, in particular, the adoption of the new Constitution on 15 April 1992, the Committee recommends that the State party should intensify its efforts to find a better and more effective solution to the problem of the enjoyment of such rights through internal measures and international cooperation, wherever such cooperation might be appropriate. In the Committee's view, particular efforts should be made to solve the problem of school absenteeism and the concentration of child labour at the expense of school attendance, as well as the problem of overwork by married women. Effective measures should also be adopted to reduce levels of malnutrition, especially among children; to improve the services of the social security system; to ensure a more rapid implementation of the new Labour Code; and, in general, to compensate for the effects on minorities and less privileged social groups of economic adjustments to promote the change to a free market society.

AUSTRALIA

143. The Committee considered the second periodic report of Australia on articles 13 to 15 of the Covenant (E/1990/7/Add.13) at its 13th, 15th and 20th meetings on 24, 25 and 28 May 1993 and, at its 20th meeting, adopted the following concluding observations.

A. Introduction

144. The Committee expresses its appreciation to the State party for the comprehensive report and for the delegation sent to discuss the report, which serve as an indication of the seriousness with which the Government of Australia takes its obligations under the Covenant.

145. The Committee notes with appreciation that the excellence of the written report, the additional written information as well as oral responses to questions raised have enabled the Committee to obtain a clearer understanding of the State party's performance of its obligations under the Covenant.

B. Positive aspects

146. The Committee notes with satisfaction the efforts made within the federal structure of Australia to establish machinery to ensure compliance with the education related provisions of the Covenant. The Committee also notes with satisfaction that the State party, since the submission of its previous report to the Committee, has undertaken various initiatives and measures designed to redress imbalances in the provision of education for identified disadvantaged groups in Australia, including the Aboriginal and Torres Strait Islander populations, girls, persons with disabilities and minority groups. The Committee welcomes the fact that numerous studies or reviews have been undertaken or are in preparation on education related matters and that the findings of these studies are taken into account in the determination of educational policy and national action plans. The Committee attaches particular importance to the development of a national strategy for equity in schooling, the impact on the teaching profession of the National Project on the Quality of Teaching and Learning, and the initiatives being taken concerning human rights education in curriculum development. The Committee also welcomes the development of appropriate indicators to monitor progress in the achievement of set objectives of national policy on education.

147. The Committee is encouraged by the development of programmes to promote multiculturalism and the recognition being placed on the racial and cultural differences in Australia.

C. Factors and difficulties impeding the implementation of the Covenant

148. The Committee notes that differences exist in legislation concerning education within the federal system of Australia. The Committee also notes that the State party has identified several groups as being disadvantaged with regard to their participation in education. In particular, the Committee notes that socio-economic factors and the isolation of certain Aboriginal and Torres Strait Islander communities constitute major difficulties in the implementation of the Covenant.

149. The Committee recognizes that limited resources and the geographic isolation of certain Aboriginal communities have been the principal impediments to furthering cultural development and international contacts.

D. Principal subjects of concern

150. The Committee considers the situation of disadvantaged groups in the educational system to be of particular concern. The Committee specifically notes the situation of the Aboriginals and Torres Strait Islanders in education which affects their prospects for future employment, as well as the problems of illiteracy among the adults of this group, the majority of whom do not have primary and secondary education.

151. The Committee is concerned about the lack of opportunities available to persons with disabilities fully to enjoy their rights to education.

152. The Committee is also concerned about the effects of funding accorded to non-government schools on the quality of education in government schools.

153. As regards the implementation of article 15 of the Covenant, the Committee expresses particular concern that Aboriginals and Torres Strait Islanders do not have sufficient opportunities fully to involve themselves in creating awareness of their cultural heritage.

154. The Committee expresses concern about provisions of the Federal Customs Regulations which prohibit the import of certain materials as referred to in paragraph 310 of the report. The practical application of these provisions could run counter to the freedom of artistic creation and performance.

E. Suggestions and recommendations

155. The Committee underlines the importance, in the context of federalism in Australia, of close cooperation and coordination between different authorities and organizations for the effective implementation of the provisions contained in articles 13 to 15 of the Covenant.

156. The Committee suggests that activities be undertaken throughout the federal structure of Australia to sensitize society to the situation and different needs of persons with disabilities and other groups. As part of the efforts to be undertaken to change and influence attitudes towards vulnerable groups, the Committee recommends that further measures be taken to strengthen the human rights education component in formal and non-formal curricula.

157. The Committee considers it important that the State party take particular measures to involve different groups in the process of preparing reports for the Committee, to make these reports widely known and available to the public and to make available the summary records and concluding observations following the Committee's consideration of the report before it.

158. The Committee recommends that due attention be given to the development of indicators for measuring progress in the implementation of the rights covered by articles 13 to 15 of the Covenant. Information on the results and progress made in this area should be provided when the State party next reports to the Committee. In addition, the Committee emphasizes the importance of taking steps to monitor more closely the general situation of Aboriginals and Torres Strait Islanders and other disadvantaged groups particularly in education and culture. The Committee therefore appreciates that the Government of Australia is fully aware of the difficulties impeding the implementation of the Covenant.

159. The Committee emphasizes the appropriateness of the efforts being undertaken by the Government to identify the needs of disadvantaged groups and to continue to draw on the results of studies and reviews in the development of policy initiatives aimed at responding to the needs of such groups. The Committee underscores the importance which it attaches to the economic, social and cultural rights of persons with disabilities and of the elderly and therefore urges the Government to direct major efforts towards assessing and addressing the needs of these groups in relation to their rights under articles 13 and 15 of the Covenant.

160. The Committee appreciates the expression of commitment by the Government to implement equity in schooling as a matter of public responsibility, and hence recommends that legislative efforts be undertaken to eliminate the remaining obstacles to the equitable access to educational establishments.

161. The Committee would welcome information, in the next report of the State party on the implementation of articles 13 to 15 of the Covenant, on any differences identified in the quality of education between government and non-governmental schools.

162. The Committee recommends that action be taken to provide Aboriginal artists with opportunities to participate in international forums in order to promote awareness of their indigenous culture.

LEBANON

163. The Committee considered the initial report of Lebanon on articles 1 to 15 of the Covenant (E/1990/5/Add.16) at its 14th, 16th and 21st meetings on 25, 26 and 28 May 1993 and, at its 21st meeting, adopted the following concluding observations.

A. Introduction

164. The Committee expresses its appreciation to the Government of Lebanon for sending a delegation to present its initial report and to engage in a dialogue with members of the Committee. The Committee views this as a demonstration of goodwill and of good faith in response to the Government's obligations under the Covenant and in the light of the great difficulties prevailing in Lebanon.

165. The Committee welcomes the statement of the Government of Lebanon as presented by its representatives, expressing its regrets for the delay in submitting its report and for the brevity of that report, owing to the circumstances of conflict that have prevailed in the country over the past 16 years. The Committee looks forward, therefore, to more comprehensive reports on future occasions, as pledged by the Government.

B. Positive aspects

166. The Committee welcomes the current initiatives undertaken by the Government to review its existing laws with the goal of updating them to address current situations and of putting together a national agenda for development that will promote and protect the economic, social and cultural rights of everyone on equal terms.

167. The Committee commends the establishment of government agencies directly responsible for the welfare of children and disabled and displaced persons.

168. The Committee notes with satisfaction that primary education is free and compulsory, and that education is being made available to all.

169. The Committee is encouraged by ongoing government efforts towards alleviating the predicament of Palestinian refugees in Lebanon.

C. Factors and difficulties impeding the implementation of the Covenant

170. The Committee recognizes the dilemma that the Government of Lebanon faces in addressing the reconstruction and rehabilitation of the country with only very limited resources. In turn, the process of reconstruction itself has hampered the resettlement of displaced communities.

171. The Committee observes that the lack of administrative mechanisms to gather and monitor information has seriously impaired the Government's information concerning the national situation as it relates to economic, social and cultural rights.

172. The Committee notes that the absence of a framework for civil law marriage obliges many persons to leave the country in order to marry. This in turn has a negative effect on the Government's capacity to protect the family.

D. Principal subjects of concern

173. The Committee expresses its concern about the large number of persons displaced as a result of the armed conflict, and the concomitant economic, social and cultural problems. In particular, the Committee cites the serious problems in housing where it concerns displaced persons, especially farmers who have been forced to abandon their land.

174. The Committee is also concerned about the disruptions in the Lebanese economy and the resulting high rate of unemployment.

E. Suggestions and recommendations

175. The Committee notes that, while the Government of Lebanon continues to perform its functions under very significant resource and other constraints, it remains essential that the highest priority be accorded to the realization of basic economic, social and cultural rights by all members of society.

176. The Committee recommends that the problem of unemployment be addressed without delay and reminds the Government of its obligations under articles 6, 7, 8 and 9 of the Covenant. The Committee recommends that government employees be accorded the right to form and join trade unions in accordance with the provisions of the Covenant.

177. In view of the fact that the Government of Lebanon is fully aware of the problems of displaced persons, the Committee encourages the Government to further its efforts to stabilize the situation.

178. The Committee recommends that the second periodic report of Lebanon should be considerably more detailed than the initial report and suggests that, if the Government so wishes, the report might be prepared with the assistance of an expert provided under the Advisory Services Programme of the Centre for Human Rights.

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NEW ZEALAND

179. The Committee considered the initial report of New Zealand, Tokelau and Niue on articles 1-15 of the Covenant (E/1990/5/Add.5, 11 and 12) at its 24th, 25th and 26th meetings on 23 and 24 November 1993 and, at its 40th meeting, on 3 December 1993, adopted the following concluding observations.

A. Introduction

180. The Committee expresses its appreciation to the Government of New Zealand for the comprehensive report it submitted in 1990. The Committee regrets that its consideration of the report was deferred for two sessions upon the request of the State party itself. In the interim period from submission of the report to its consideration by the Committee, major changes in policy and legislation in New Zealand have taken effect and their impact on the implementation of the Covenant has rendered obsolete significant parts of the report.

181. The Committee therefore appreciates the additional written information provided by the State party to update its report. The Committee expresses its hope that in future similar circumstances, updated information will be received prior to its dialogue with States parties.

182. The Committee also expresses its appreciation to the representatives of the State party for their considerable efforts to provide detailed information in response to written and oral questions raised by members of the Committee.

B. Positive aspects

183. The Committee welcomes the adoption of the Human Rights Act 1993, consolidating and amending the Race Relations Act 1971 and the Human Rights Commission Act 1977, to provide better protection of human rights in New Zealand in accordance with United Nations Covenants and Conventions on Human Rights.

184. The Committee appreciates the renewal of the mandate of the Human Rights Commission, and the enlargement of the scope of the Human Rights Act 1993. The Committee takes special note in this regard of the innovative recognition of age as a ground covered by the Act.

185. The Committee notes with satisfaction the enactment of the Health and Safety in Employment Act 1993, as well as the renewed efforts strictly to implement the Equal Pay Act 1972 particularly as it affects women.

186. The Committee takes note of the State party's programme to realign the system of education in the primary, secondary and tertiary levels aimed at increasing the participation rate of youth, especially in vocational education and in industry skills training.

187. The Committee takes note with satisfaction of the repeal of the Labour Relations Act of 1987 which appeared to have been in conflict with article 8 of the Covenant. It also notes its appreciation of the fact that the age up to which education is compulsory has been raised to 16.

188. In relation to Maori and Pacific Islands people, the Committee notes the measures being taken by the State party to improve employment opportunities for Maori and Pacific Islands people, and to facilitate their full participation at all levels of the educational system.

C. Factors and difficulties impeding the implementation of the Covenant

189. The Committee notes with regret that the balance-of-payments situation and budgetary constraints have led the New Zealand Government to adopt restrictive economic and social policies, thereby affecting the realization of economic, social and cultural rights, particularly of the most vulnerable groups of society.

D. Principal subjects of concern

190. The Committee, while regarding the adoption of a Bill of Rights as a positive development, expresses its concern that no reference is made to economic, social and cultural rights in the text of the Bill. The Committee notes that the Bill of Rights is in the form of an ordinary statute, and can therefore be overridden by other legislation at any time.

191. The Committee expresses its concern that recent extensive reforms in the social security and labour relations system may negatively affect the enjoyment of economic, social and cultural rights. In particular, the Committee notes that reforms introduced by the Employment Contracts Act of 1991 raise questions of compatibility in relation to the rights recognized in articles 7 and 8 of the Covenant.

192. The Committee notes with concern that, despite relevant efforts by the Government, the Maori and Pacific Islands people continue to figure disproportionately in relation to unemployment, low salary levels, and poor educational and technical qualifications.

193. The Committee notes with regret that, according to the statement of the representative of New Zealand, the State party does not keep statistical information as to the extent of malnutrition, hunger and homelessness in New Zealand, which various welfare groups have claimed to be significant.

E. Suggestions and recommendations

194. The Committee strongly recommends the reinforcement of the work of the Human Rights Commission in relation to economic, social and cultural rights. The Commission should also ensure the translation of the Covenant into all the principal languages spoken in the country, its widespread dissemination, and the reflection of its content in community education activities.

195. The Committee encourages the Government of New Zealand to increase its efforts towards ensuring equity for Maori and Pacific Islands people, especially in their access to education, training and employment.

196. The Committee urges the State party carefully to monitor the effects of unemployment and of the reduction in welfare services with respect to the realization of economic, social and cultural rights of the most vulnerable sectors of society and to take the necessary measures in order to diminish such negative effects.

197. The Committee recommends that consideration be given to a careful review by the State party of the impact of the Employment Contracts Act 1991 and related legislation on the provisions set forth in articles 6, 7 and 9 of the Covenant and to the elimination of any conflicts identified by such a review.

198. The Committee expresses its hope that the State party will consider the possibility of ratifying ILO Conventions Nos. 87 (Freedom of Association and Protection of the Rights to Organize, 1948) and 98 (Right to Organize and Collective Bargaining, 1949).

199. The Committee urges the State party to collect and publish the statistics on the topics referred to in paragraph 192 above and to provide that information to the Committee in its next periodic report. The Committee also requests, in that context, the provision of statistics of the school drop-out rates broken down by race.

200. The Committee expresses its hope that the State party will consider the possibility of withdrawing its reservations to the Covenant.

NICARAGUA

201. The Committee considered the initial report of Nicaragua on articles 10-12 of the Covenant (E/1986/3/Add.15 and 16), together with the written replies to the questionnaire prepared at the pre-sessional meeting, at its 27th and 28th meetings on 24 and 25 November 1993 and, at its 46th meeting, on 8 December, adopted the following concluding observations.

A. Introduction

202. The Committee expresses its appreciation to the Government of Nicaragua for the submission of its updated report and welcomes the opportunity of continuing its dialogue with the State party, especially after the difficulties and changes which Nicaragua has undergone in recent years.

B. Positive Aspects

203. The Committee appreciates the frankness of the Government of Nicaragua and its willingness to discuss the problems impeding its social development. The Committee takes note of the statement of the Government in relation to the effort being made in institutional terms to combat poverty through a specific action plan (1990) and to improve the overall standard of living through the Ministry of Social Welfare, established in 1993.

204. The Committee welcomes the proposed establishment of the Office of Human Rights Ombudsman to inquire into human rights violations and to monitor the implementation of international human rights instruments ratified by Nicaragua.

C. Factors and difficulties impeding the implementation of the Covenant

205. The Committee is aware that the physical and economic destruction of the country as a result of a lengthy war and great natural disasters, the effects of which have been compounded by the ensuing economic adjustment programme, has limited the realization of the rights recognized in the Covenant.

D. Principal subjects of concern

206. The Committee expresses its serious concern about the extent to which structural adjustment measures and the privatization of State property have had negative consequences for the enjoyment of the economic, social and

cultural rights of the Nicaraguan people, and more specifically for the standard of living of the most vulnerable sectors. It is particularly concerned about the fact that official figures reveal an alarming deterioration in the standard of living, that 70 per cent of Nicaraguans live below the poverty threshold and that 40 per cent suffer from protein deficiency. This reflects the tragedy of a child population which, in the words of the report itself, constitutes a genuine national emergency.

207. The Committee is also concerned about the lack of consistency and effectiveness of the programmes to regularize land ownership and to deal adequately with the problems of housing. In particular, the non-observance of ownership of low-cost housing under Acts Nos. 85 and 86, and the slowness of the procedures instituted by the Planning Office creates a situation of legal insecurity for the occupants of such housing.

208. The information received by the Committee concerning the eviction of several hundred families by the police (particularly in the case of the communities of Extensión La Primavera and El Boer in Managua), with no offer of alternative housing, is very worrying. Eviction appears to be a common practice, and the Committee has received no answers to specific questions on concrete examples.

E. Suggestions and recommendations

209. The Committee requests the Government of Nicaragua to provide precise information on the incidents involving the expulsion of persons who have occupied land and to inform it, before May 1994, of the measures it has adopted, in accordance with the undertakings of the Covenant, to deal with the problems of irregular settlements. In this regard, the Committee considers that instances of forced eviction are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in conformity with relevant principles of international law.

210. The Committee asks to be provided with written replies to the concerns raised during its dialogue with the State party which, owing to time constraints, remain unanswered. In particular, the Committee wishes to receive clarification as regards the situation of the removal and threatened eviction of squatters from different settlement communities.

211. The Committee suggests that the State party ensure the effective implementation of laws 85 and 86 of 1990 with a view to guaranteeing security of tenure and property title. The Committee recommends that the State party develop and implement urgently a comprehensive housing policy consistent with the State party's obligations under international instruments.

212. In accordance with the revised general guidelines regarding the form and contents of reports to be submitted by States parties, the Committee requests the State party to provide detailed statistical information on the distribution of income and wealth among groups living in rural and urban areas of the country, disaggregated by linguistic and ethnic characteristics as listed in paragraph 5 of the report (E/1986/3/Add.16). Similar statistical information is also required on the mortality rates, birth rates, life expectancy and the rates of school attendance up to university level.

213. The Committee reiterates the view expressed in its General Comment No. 2 that it is precisely in times of acute economic and social problems that respect for the obligations arising under the Covenant assumes its greatest importance.

214. The Committee wishes to bring to the attention of the State party the need to ensure that structural adjustment programmes are so formulated and implemented as to provide adequate safety nets for the vulnerable sectors of society, in order to avoid a deterioration in the enjoyment of the economic, social and cultural rights for which the Covenant provides protection.

ICELAND

215. The Committee considered the initial report of Iceland on articles 1 to 15 of the Covenant (E/1990/5/Add.6 and 14) at its 29th, 30th and 31st meetings on 25 and 26 November 1993 and, at its 46th meeting, on 8 December 1993, adopted the following concluding observations.

A. Introduction

216. The Committee expresses its appreciation to the State party for its detailed report, prepared in accordance with the Committee's guidelines, and for engaging in a constructive dialogue with the Committee. It notes with satisfaction that the information submitted in the report and that provided by the delegation in reply to both written and oral questions in the course of consideration of the report has enabled the Committee to obtain a comprehensive view of Iceland's compliance with its obligations under the International Covenant on Economic, Social and Cultural Rights. The Committee appreciates the submission by the Government of Iceland of written replies to its list of issues. The Committee considers that the form and content of the dialogue established between the Government of Iceland and the Committee can be considered a model. The Committee, however, regrets that the initial report was submitted with considerable delay.

B. Positive aspects

217. The Committee welcomes the efforts undertaken by the Government of Iceland in order to implement the rights recognized in the Covenant. It notes with satisfaction that the Government of Iceland pays a great deal of attention in its activities to the promotion and protection of economic, social and cultural rights in accordance with the obligations undertaken under article 2 of the Covenant and that the Government has in recent years enacted a series of important laws of direct relevance to these rights.

218. In that regard, the Committee notes with particular satisfaction that Law No. 28/1991 on Equal Status and Equal Rights of Women and Men secures equal rights of men and women in general, and not only with regard to remuneration, as was the case before the adoption of that law. The Committee also notes with interest the establishment of the Equal Rights Council with the aim of ensuring the proper implementation of the Equal Rights Law and forming the policies to be followed by the authorities in matters concerning gender equality. The Committee also welcomes the establishment of a committee to hear and investigate complaints relating to alleged instances of gender discrimination. The Committee notes with interest, in the context of the measures undertaken to implement provisions of articles 3 and 7 of the

Covenant, the work being carried out by the Icelandic Wage Investigation Committee and the adoption by the Government in 1988, on the initiative of the Equal Status Council and the Ministry of Social Affairs, of the equal opportunity programmes to be implemented by ministries and State institutions.

219. The Committee expresses its appreciation of the range and quality of the services provided to the whole population, including particularly the elderly, in relation to social security, protection of the family, health care and education.

220. The Committee appreciates the amendments to the legislation concerning unemployment insurance (Law No. 69/1993), which, in contrast to previous legislation, extends benefits also to non-members of a trade union. It also appreciates information according to which, currently, all workers between the ages of 16 and 71, resident in Iceland, are entitled to unemployment benefits, the only condition being that they have worked in the previous 12 months for a total of no less than 425 hours in insurable employment, and regarding the fact that benefits have been extended to the self-employed.

C. Factors and difficulties impeding the application of the Covenant

221. The Committee is aware of the difficulties encountered by Iceland with regard to the full implementation of the right to strike embodied in article 8 of the Covenant, which the State party attributes to the fact that the economy of Iceland is heavily dependent upon fishing. In the view of the Committee, this circumstance does not relieve the State party of its obligation to take steps to achieve progressively the full realization of the rights recognized in the Covenant, including the right to strike.

D. Principal subjects of concern

222. The Committee notes that, in spite of numerous legislative measures undertaken to ensure equality between the sexes, inequality between men and women still exists in practice, especially in relation to the rights recognized in articles 6 and 7 of the Covenant. The Committee encourages the Government to continue its endeavours to eliminate the persisting disparities in remuneration for men and women.

E. Suggestions and recommendations

223. The Committee recommends that the State party should accord equal treatment to both International Human Rights Covenants in terms of their domestic legal status and that, if measures are taken to incorporate civil and political rights treaty obligations, consideration should be given to similar measures in relation to economic, social and cultural rights.

224. The Committee emphasizes that further measures should be taken to ensure that the provisions of the Covenant are more widely disseminated, particularly among the legal profession and members of the judiciary.

225. The Committee urges that the reporting obligations of the State party under articles 16 and 17 of the Covenant be strictly observed and that the second periodic report be submitted within the time-limit to be determined by the Committee.

MEXICO

226. The Committee considered the second periodic report of Mexico on articles 1-15 of the Covenant (E/1990/6/Add.4) at its 32nd, 33rd, 34th and 35th meetings on 29 and 30 November 1993 and, at its 49th meeting, on 10 December, adopted the following concluding observations.

A. Introduction

227. The Committee thanks Mexico for its report, prepared in accordance with its guidelines, and notes with appreciation that the State party engaged in a fruitful dialogue with the Committee. It welcomes the written information provided by the Government in reply to the questions set out in the list of issues (E/C.12/1993/WP.16) which were communicated to it before the session. The supplementary information provided by the representatives of the State party and their knowledge of matters connected with the Covenant made it possible to engage in an open, frank and constructive dialogue between the State party and the Committee.

B. Positive aspects

228. The Committee welcomes the efforts made by the State party to carry out a number of programmes and reforms designed to solve the serious economic, social or cultural problems being encountered by the country. It notes the many activities being carried out by the Mexican Human Rights Commission.

229. The Committee notes the adoption of the National Development Plan 1989-1994 (NDP) which aims, inter alia, at facilitating progress in the solution of the country's unemployment problem, as well as the Solidarity Programme (PRONASOL), the objective of which is to enhance the opportunities of the socially deprived for earning a livelihood. The Committee also welcomes the statement of the Government that efforts are being made, with the assistance of the Agricultural Attorney's Office, to help agricultural workers to organize.

C. Factors and difficulties impeding the implementation of the Covenant

230. The Committee notes that the Government should continue to tackle the economic and social difficulties ingrained in the country and characterized by considerable foreign indebtedness, the inadequacy of budgetary resources earmarked for essential social services and the unequal distribution of national wealth. These difficulties severely affect the most vulnerable segments of society, and in particular children, persons living below the poverty threshold and those belonging to minority groups, such as the many indigenous peoples; they are relevant to the departure of many Mexican migrant workers abroad.

D. Principal subjects of concern

231. The Committee finds it disturbing that a particularly large number of persons live in extreme poverty. In this connection it notes with concern the decline in the purchasing power of the minimum wage during recent years, it being no longer adequate to enable people to live above the poverty line.

232. Another source of concern is the situation of many children, namely abandoned children, street children or children in extremely difficult circumstances, who are unable to enjoy the economic, social and cultural rights set out in the Covenant and who are particularly vulnerable to criminality, drug addiction and sexual exploitation. A very big percentage of children (34 per cent), concentrated in particular in areas with a large Indian population, appear to have left school without even having been able to complete their primary education and are therefore in a situation that is extremely conducive to various forms of exploitation.

233. The Committee notes with concern the economic, social and cultural situation of many indigenous groups who suffer from the difficult conditions brought about by the economic situation and by the imbalance of wealth in the country. It notes the difficulties being experienced by these groups in preserving their culture and in teaching their language. It notes that, although the Government publishes and distributes textbooks in 25 languages free of charge, overall government programmes devoted to these groups nevertheless remain inadequate.

234. The Committee is concerned about the fact that a large segment of the population of Mexico has to endure inadequate living and housing conditions, without access to basic services such as sanitation and potable water.

235. The Committee is also concerned about the prevalence of forced evictions in both urban and rural areas of Mexico. Of particular concern to the Committee is the large number of people already evicted or threatened with eviction owing to the lack of adequate protection.

E. Suggestions and recommendations

236. The Committee recommends that efforts should be made to curb the decline in the purchasing power of the minimum wage and to redeploy certain budgetary resources to benefit the most vulnerable segments of society, and particularly children and persons living below the poverty line. Resources should be made available for indigenous groups to enable them to preserve their language, culture and traditional way of life, and at the same time to promote the economic, social and cultural rights provided for in the Covenant. The Committee recommends in particular that the State party should take energetic steps to mitigate any negative impact that the North American Free Trade Agreement (NAFTA) might have on the enjoyment of the rights set out in the Covenant.

237. The Committee recommends that the Mexican Human Rights Commission should, in the future, devote greater attention to economic, social and cultural rights.

238. The Committee recommends that steps should be taken urgently to overcome the grave housing crisis in the country. It further recommends the speedy adoption of policies and measures designed to ensure adequate civic services, security of tenure and the availability of resources to facilitate access by low-income communities to affordable housing. The Committee also recommends the increased construction of rental housing, as well as the adoption of other measures to enable Mexico to comply fully with its obligations under article 11 of the Covenant, as dealt with in General Comment No. 4 of the Committee.

239. The Committee urges the State party to desist from policy measures that lead to large-scale evictions. It recalls General Comment No. 4 in which it noted that "the Committee considers that instances of forced eviction are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law".

240. The Committee also recommends that the State party should take vigorous steps in the spheres of education and culture and recalls in this connection that, under article 13 of the Covenant, primary education should be compulsory and available free to all.

241. The Committee wishes to bring to the attention of the State party the need to ensure that structural adjustment programmes are so formulated and implemented as to provide adequate safety nets for the vulnerable sectors of society in order to avoid a deterioration of the enjoyment of the economic, social and cultural rights for which the Covenant provides protection and which are generously enshrined in the Constitution of Mexico.

GERMANY

242. The Committee considered the second periodic report of Germany on articles 13 to 15 of the Covenant (E/1990/7/Add.12) at its 35th and 36th meetings on 30 November and 1 December 1993 and, at its 46th meeting, on 8 December, adopted the following concluding observations.

A. Introduction

243. The Committee expresses its appreciation to the State party for the detailed report submitted which was, however, up to date only as of 1989. The Committee notes with regret that the State party was not able to appear before it as originally scheduled at its eighth session.

244. The Committee notes that the German delegation was able to respond to many, but not all, of the written questions contained in the list of issues prepared in connection with the consideration of the report, as well as to most of the oral questions raised by the Committee members during the debate. It points out, nevertheless, that more information would be needed with regard to the effects of the recent German unification on education and the problems resulting from it.

245. The Committee also takes note of the commitment made by the German Government to submit shortly in a "core document" general information concerning the State party.

B. Positive aspects

246. The Committee welcomes the efforts undertaken by the Government of Germany to implement the rights recognized in articles 13 and 15 of the Covenant.

247. The Committee welcomes, in particular, the efforts made by the Government of Germany to provide adequate general and vocational education for migrants living in Germany.

248. In addition, the Committee takes note of the measures being taken by the German authorities with regard to persons of German origin coming from other countries.

C. Principal subjects of concern

249. The Committee has taken note of the comprehensive explanations provided by the German delegation concerning the conditions of employment in the public service of personnel of the former German Democratic Republic, especially teachers, and the reasons for dismissing some of them. However, it points out that concerns about discrimination in the employment of teachers of the new Länder have been raised by the ILO Committee of Experts on the Application of Conventions and Recommendations in its 1993 report to the International Labour Conference. In addition, similar concerns have been expressed by a non-governmental organization. The Committee recalls, in that connection, that access to and conditions of employment should be based strictly on objective criteria relating to work in accordance with the Covenant and ILO Convention No. 111: Discrimination (Employment and Occupation), 1958 and that discrimination in employment on the ground of political opinion should be explicitly prohibited under the law.

250. In addition, the Committee expresses concern about the disparity which appears to exist in Germany between men and women with regard to educational achievements and the participation of women in all levels of education and professional careers, despite the efforts made by the German authorities.

D. Suggestions and recommendations

251. The Committee recommends that positive action be taken by the German authorities to guarantee ideological pluralism in education and equality of opportunity of men and women in that field in accordance with the relevant provisions of the International Covenants on Human Rights.

252. The Committee also recommends that the next periodic report of Germany relating to articles 1 to 15 of the Covenant include information on the effects of the unification of the country on education and, in particular, updated statistical data on budgetary allocations and expenditures relating to educational and cultural activities. It should also indicate whether differences exist between the cultural development and the level of education of the new Länder and the other parts of the country and, if so, what special measures have been taken in that regard. More information would also be welcome on measures adopted to ensure the development and dissemination of science and of culture, in particular, through the media. In addition, information should be provided on measures taken to facilitate access to and participation in educational programmes and the cultural life of the country for the elderly.

253. The Committee requests that the German authorities should respect the rights of teachers, professors and other educational personnel of the former German Democratic Republic so that they may continue to exercise their professional activities and participate to the fullest possible extent in cultural life without any discrimination.

254. The Committee urges the State party to accord equal treatment to both International Human Rights Covenants in relation to human rights education in school curricula as well as mass media information and dissemination.

SENEGAL

255. The Committee considered the initial report of Senegal on articles 6 to 9 of the Covenant (E/1984/6/Add.22) at its 37th and 38th meetings on 1 and 2 December 1993 and, at its 49th meeting, on 10 December, adopted the following concluding observations.

A. Introduction

256. The Committee expresses its appreciation for the detailed report submitted by the State party and the additional information provided by the delegation in response to the Committee's questions and comments. The Committee regrets, however, that the report was submitted nearly 10 years late. In this regard, the Committee welcomes the assurance of the delegation that its second periodic report, due in 1994, will be submitted without delay.

B. Positive aspects

257. The Committee notes with satisfaction the level of support accorded to international human rights activities by Senegal and, in general, the steps taken to fulfil its obligations under the various human rights instruments. In this regard, the Committee takes note of the information provided by the delegation, indicating that those instruments are applicable in domestic law and that they have been invoked in courts of law on a number of occasions.

258. The Committee welcomes indications by the delegation that the reports submitted to the human rights treaty bodies and the concluding observations adopted pursuant to those reports are made freely available to interested groups and individuals.

C. Factors and difficulties impeding the implementation of the Covenant

259. The Committee notes that economic factors, including difficulties caused by external debt servicing, have impeded the application of the Covenant. In this respect, the Committee notes with concern that short-term considerations applied in its structural adjustment policy have not adequately taken into account the long-term impact of reduced investment in the social sector.

D. Principal subjects of concern

260. The Committee is concerned that, in general, the State party has not provided satisfactory information concerning measures envisaged to improve the enjoyment of the rights covered under the Covenant, particularly with respect to the situation of women, youth and other vulnerable groups. The Committee is concerned about the extent to which women enjoy the rights contained in the Covenant, particularly with respect to articles 6 and 7. While noting that some progress has been achieved in this regard, there are continuing impediments to equality of access to employment. The Committee is

particularly concerned that significantly lower literacy rates for women, as well as certain cultural practices, seriously compromise their opportunities for employment and advancement.

261. The Committee notes with alarm that budgetary cutbacks carried out in the educational sector under the programme of structural adjustment will have serious social and economic consequences for the future of the country. In this connection, the Committee is concerned about restrictions on school enrolment, which have been imposed with a view to reducing the number of qualified applicants to administrative posts in the public sector. The Committee is also concerned about the high proportion of drop-outs from general technical secondary education, which has reached the level of 35 per cent of total enrolment.

262. The Committee is concerned about the full enjoyment of trade union rights as provided for under article 8 of the Covenant. In this regard, the Committee notes that foreign workers are barred from holding trade union office and that authorities may unduly restrict the right to strike by imposing compulsory arbitration.

E. Suggestions and recommendations

263. The Committee recommends that the State party undertake a systematic and comprehensive review of the relevant legislation, administrative procedures and policies to give effect to economic, social and cultural rights in order to ensure that they conform to the requirements of the Covenant. Special attention should be paid to those areas concerning women and other vulnerable groups.

264. The Committee recommends that the State party, in its second periodic report, which is due in 1994, should provide focused information on the situation of women and other vulnerable groups and, in particular, measures taken and foreseen to facilitate the enjoyment of their rights under the Covenant. The State party should also provide the Committee with fuller information on the jurisprudence relating to the rights contained in the Covenant and measures envisaged to overcome the difficulties encountered in the implementation of the Covenant.

265. The Committee recommends that the State party undertake a thorough review of its policies with regard to education and vocational training with a view to expanding budgetary allocations for this section, expanding access to education and, in particular, reducing the number of student drop-outs. In this connection, the Committee underlines the importance of higher education and vocational training in developing a robust economy. The Committee suggests that the State party report more fully on this issue in its second periodic report.

266. The Committee recommends that the State party consider amending the relevant national legislation with a view to permitting foreign workers to hold trade union office and limiting the powers of authorities to restrict the right to strike by imposing compulsory arbitration.

267. In order to encourage and facilitate greater public involvement in the implementation of the Covenant, the State party should ensure that adequate publicity is given to the Covenant, that its provisions are translated into

local languages and that its report to the Committee along with these concluding observations are made available to interested groups and individuals.

268. The Committee wishes to bring to the attention of the State party the need to ensure that structural adjustment programmes are so formulated and implemented as to provide adequate safety nets for the vulnerable sectors of society in order to avoid a deterioration of their enjoyment of the economic, social and cultural rights for which the Covenant provides protection.

CHAPTER VI. DAY OF GENERAL DISCUSSION

A. Eighth session, 24 May 1993

The rights of the ageing and the elderly in relation to the rights recognized in the International Covenant on Economic, Social and Cultural Rights

269. On Monday, 24 May 1993, at its eighth session, the Committee held a general discussion on the question of the rights of the ageing and elderly in relation to economic, social and cultural rights. In this connection, the Committee invited all specifically interested and competent agencies, groups and individuals to participate in the discussion.

270. The Committee also appointed Mrs. María de los Angeles Jiménez Butragueño to be the member responsible for coordinating and planning the general discussion, with the assistance and advice of the secretariat. Mrs. Jiménez had prepared and submitted to the Committee the working paper (E/C.12/1993/WP.13) which was used as the basis for the discussion.

271. At the beginning of the meeting, at the request of Mrs. Jiménez, Mrs. V. Bonoan-Dandan read out a communication from the Department of Policy Coordination and Sustainable Development in Vienna.

272. One of the major issues that arose, from the human rights perspective, was discrimination for reason of age. That form of discrimination was still permitted in the legislation of a number of countries and occurred mainly in practice.

273. Mr. L. Swepston (ILO) pointed out that ILO had always concerned itself with the question of elderly workers. Initially, it dealt with their social security, retirement pensions and so on, and more recently, it had drafted Recommendation number 162 (1985) on elderly workers, which was a more comprehensive provision on the principles and policies to be followed at the national level for the protection of older workers.

274. Mr. P. Alston, Chairperson of the Committee, was satisfied with the ILO statement but inquired whether it restricted its scope to elderly workers or whether it had extended it to cover any person likely to experience discrimination because of age. He also inquired whether ILO prohibited forced labour by children supporting their elderly parents.

275. The representative of ILO confirmed that its conventions did not contain any specific provision on the question of age. Age was not considered a criterion that could be invoked by individuals to challenge what appeared to them to be unfair dismissal. However, there was nothing to prevent the Committee from requesting an opinion from ILO on the human rights consequences of discriminatory practices based on age. As for the Chairperson's second question, the representative of ILO could only say that little material was currently available on discrimination against persons who were too young.

276. Ms. G. Pinet (WHO) said that in her view society in general must make an effort to take care of the older segments of the population, rather than to oblige children to take full responsibility for their elderly parents.

277. The representative of WHO stressed the importance of legislation on health matters which, accompanied by budgetary provisions and legal sanctions, was an effective means of implementing a health and social policy geared to the elderly.

278. Mrs. I. Hoskins (International Federation on Ageing and the American Association of Retired Persons) pointed out that, in the absence of any commitment or participation by society at large, the most vulnerable members of society were inevitably marginalized.

279. Secondly, she pointed out that the rights of the elderly were not protected by a specific legal instrument, despite the fact that the elderly currently accounted for a significant proportion of the population.

280. She also considered the situation of the elderly in the light of the provisions of the Covenant, and particularly articles 6, 7, 9, 10 and 13.

281. Mr. Alston asked Mrs. Hoskins whether the associations she represented had the necessary facilities to evaluate the work done in Vienna and whether the Committee could play an effective role where the elderly were concerned.

282. Mrs. Hoskins said that the organizations she represented strongly supported the activities of the Ageing Unit at the Centre for Social Development and Humanitarian Affairs in Vienna. They had supported all the efforts made by the Ageing Unit since the World Assembly on Ageing held in 1982. As to the role of the Committee on Economic, Social and Cultural Rights with regard to the elderly, she observed that many of the rights set out in the International Covenant on Economic, Social and Cultural Rights were applicable to the elderly. In this context she drew attention to the importance of the role of the Committee on Economic, Social and Cultural Rights.

283. Mr. X. Dinh (International Federation of Associations of the Elderly) added that any discussion of human rights must be based on the realities of life rather than on theories.

284. Mr. Alston requested members of the Committee to suggest how best the Committee might deal with such complex situations as retirement, the right to health and the right to education.

285. Mr. A. Grissa noted that the elderly could assert their rights by directly influencing the results of elections. He commented that, while it was possible to protect and promote the right to health and decent living conditions for the elderly, it was more difficult to envisage the protection of their right to education at a time when many countries did not even have the resources to train their young people.

286. In the view of the Federation, retirement should not mean the complete cessation of all activities. The elderly could take part in community and training activities and also amass and pass on the wisdom accumulated over the years.

287. Mrs. Jiménez observed that the situation of the elderly differed from one country to another and expressed the hope that in 1999, the year of the elderly, a new convention would be adopted on the subject.

288. At the conclusion of the discussion, the Committee requested Mrs. Jiménez to prepare, in the light of the deliberations, a draft general comment on the question of the rights of the ageing and elderly in relation to the economic, social and cultural rights set out in the Covenant.

B. Ninth session, 6 December 1993

The right to health with particular emphasis, in that context, on the implications of the principle of non-discrimination and of the concept that there is a minimum core content of each right which constitutes a "floor" below which the conditions should not be permitted to fall in any State party

289. In his opening remarks, Mr. P. Alston, Chairperson of the Committee, reaffirmed the value which the Committee attached to the participation in and contributions to its work by the various international agencies, non-governmental organizations and individuals.

290. He reconfirmed the Committee's commitment to the full enjoyment of the right to health and stated that the Committee was considering the elaboration of a general comment on the right to health.

291. It was suggested that the day's discussion should be structured in such a way as to explore the right to health from six different angles; overview of the issue; defining health for the purposes of article 12; the significance of recognizing health as a human right; non-discrimination; concept of a "core content"; and monitoring a right to health.

Overview of the issue

292. The Vice-Chairperson of the Committee, Mr. J. Alvarez Vita, presented his note for discussion (E/C.12/1993/WP.22). When preparing this note, he had noticed that there were actually very few texts on the right to health as a human right. He stated that his note should therefore only be considered a point of departure for more extensive reflection and in-depth discussions. In his study he had come to the following conclusions:

1. The right to health is applicable in two spheres, the first within States and the second at the international level;

2. The beneficiaries of the right to health are the human person and also human communities;

3. At the international level, promotion and observance of the right to health must be carried out in the light of the domestic legislation of each State and the provisions of all international treaties to which the State is a party. Further, customary law and the general provisions of law may also be applied;

4. The rules established in international treaties with regard to the human right to health must be interpreted mutatis mutandis;

5. Like all human rights, the right to health must be considered in the light of its indivisibility, interdependence and interrelationship with all the other human rights;

6. The attainment of the highest level of health is the responsibility of States, individually as well as collectively, non-State entities and the human person. It is for the international community to monitor and adopt measures which enable all peoples in the world to achieve the same level of health.

7. In order to achieve the objective of attaining the highest possible level of health, it is imperative to improve education throughout the world and, at the same time, to create an awareness in all communities that the implementation of the principles of solidarity will benefit not only the recipients of the cooperation but also those who provide it and all human beings in general and that solidarity is vital in the contemporary world in which individuals travel rapidly from one side of the planet to the other and the environmental situation necessitates international policies in respect of health;

8. At the theoretical level and bearing in mind that all human persons are equal in dignity, and that dignity is the basis of all human rights, the inevitable conclusion that is drawn is that all human beings have a right to enjoy the same level of health. Consequently, to set varying limits on matters relating to the enjoyment of the right to health, depending on the level of development of a country, would be to make the enjoyment of that human right conditional on situations incompatible with human dignity and would signify the legalization of discriminatory measures which in themselves would constitute a violation of human rights;

9. Since the ideal of the individual is to achieve the highest possible level of life, it is not possible to set a uniform minimum limit below which it may be considered that a particular State is failing to comply with its obligations in health matters. However, it is feasible to determine, regard being had to its progressive nature, whether there has been progress, regression or stagnation in the enjoyment of the right to health;

10. In view of the obligation to cooperate on the part of States, it is necessary to establish machinery to provide the Committee on Economic, Social and Cultural Rights with a detailed report of the cooperation which a specific developing country has received and the outcome of that cooperation;

11. A minimum level of cooperation must be set below which it may be considered that the cooperating State is failing to comply with its international obligations;

12. Scientific and technological progress, whatever its origin, must be at the service of all human beings in order to improve, as rapidly as possible and in a harmonious and fair manner, the level of life of mankind;

13. Medical experiments, including genetic experiments, must be carried out in a manner compatible with respect for the dignity of the human being, with care being exercised at all times to ensure that they do not give rise to violations of human rights;

14. The international community and national communities must make every possible effort to rehabilitate so-called traditional medicine and to apply it, when possible, with any adaptations, on behalf of mankind as a whole;

15. Special care must be taken in implementing the right to health of indigenous populations and minorities. Respect for their traditions must in no way impede their access to other kinds of health-related practices;

16. Discriminatory practices that affect the right to health take on a wide variety of forms and are frequently not apparent at the official level;

17. Economic discrimination with regard to the right to health constitutes a serious violation of human rights that must be avoided in every possible way. This kind of discrimination is seen at various levels, the most serious of which prevents persons in urgent need of care from having access to health services;

18. Every effort must be made to ensure that the discrimination against women and children that occurs in health matters, especially in certain regions of the world, is eliminated;

19. It is essential that efforts should continue to eliminate the discrimination against victims of acquired immunity deficiency syndrome (AIDS) and that they should be extended to various fields such as that of education, employment, migration and even health services;

20. Discrimination based on age, which affects children and elderly persons in certain social groups in various countries, must be removed;

21. Special attention must be given to coercive birth control practices, including abortions and large-scale sterilization, apparently being carried out in some regions of Asia.

293. Dr. Jonathan Mann (Professor of Health and Human Rights, François-Xavier Bagnoud Centre, Harvard School of Public Health, Boston, United States of America) pointed out that the major causes of preventable illness, disability and premature death, related as much to discrimination, inequity and injustice, as to viruses and parasites. Human rights and public health were therefore mutually reinforcing disciplines, and should not be portrayed as being in constant conflict with each other.

294. He observed, however, that the links between health and human rights had long been neglected. When studying the relationships between health and human rights, three dimensions could be distinguished: health policies and programmes that posed a threat to the exercise and enjoyment of human rights,

including health measures that directly violated the rights and freedoms of individuals; the health impact of human rights violations (e.g. denial of the right to education to the detriment of health); and the positive impact of full respect for human rights on health.

295. He noted that socio-economic status had traditionally been identified as the most powerful correlate of health status. Experience gained from studying the global AIDS pandemic suggested, however, that in addition to income level and social class, one might also have to look at the status and social role of members of particular groups. Male domination over women, for example, implied that women were more vulnerable than men to a range of preventable diseases and illnesses, including human immunodeficiency virus (HIV) infection.

296. The right to health required, in his view, that States should strive towards the protection and promotion of all human rights and the eradication of discrimination on any ground.

297. Mrs. Virginia A. Leary (Professor of Law, State University of New York, Buffalo, United States of America) identified four types of measures that all countries could take towards ensuring good health, which were not necessarily costly. First, according to the Covenant, each State party was obliged to take steps towards the progressive realization of the right to health "to the maximum of its resources available". It was important that attention should be focused on the most effective use of scarce resources to improve the health of citizens in both poor and rich countries.

298. Secondly, it should be acknowledged that improved health led to economic growth. Investing in health should be perceived as investing in human capital. Thirdly, contrary to what was sometimes thought, there was no direct link between (lack of) resources and (bad) health status. Even with few resources, countries could do much to promote health and prevent diseases, whereas even between and within the wealthiest countries there were enormous health disparities. Fourthly, countries must use the most cost-effective means of promoting health. WHO's Health for All Strategy provided guiding principles.

299. The specific measures she recommended included the promotion of breast-feeding, the discouragement of tobacco use, the discouragement of alcohol abuse, the adoption of a rational prescription of drug policy and the adoption of primary health care as the basis of the health-care national policy.

300. A member of the Committee observed that the presentation up to that point had focused on the rights of individuals, but attention should also be paid to the responsibilities of individuals to protect and preserve the health of themselves and others. Another member noted that Dr. Mann had taken health as a right. That approach seemed to reflect and correspond with the western approach to individual human rights. It would be interesting to analyse the health performance of countries that adopted a different approach to human rights.

Defining health for the purposes of article 12

301. Dr. Jean Martin (Médecin Cantonal and Privat Dozent and agrégé in the Faculty of Medicine, Lausanne, Switzerland) stressed that knowledge about medicine and the health-care system was not the prime determinant of health in a country. A policy of adequate and accessible health care should be accompanied by a comprehensive policy of health promotion and disease prevention. An effective means of realizing the right to health presupposed an equilibrium between State efforts to promote health and to prevent diseases and State investments in health care.

302. The elimination of all forms of discrimination was of the utmost importance in furthering the aspirations enshrined in the right to health. People who were marginalized or excluded from mainstream society were least able fully to benefit from their health. An equitable health policy should therefore seek to reduce inequalities in society. Such a policy needed to be accompanied by special measures targeted on the most disadvantaged.

303. Ms. Emily Sims (Galilee Society for Health Research and Services, Israel) said that a safe and hygienic environment was a prerequisite for health. She noted with concern that communities were being destroyed for the sake of industrial growth. The people most affected by the failure of States to guarantee a safe and hygienic environment were the extremely poor and the groups that were traditionally vulnerable, such as minority and indigenous groups. Economic growth was not an aim in itself but a means that should lead to the progressive realization of economic, social and cultural rights.

304. A member of the Committee noted that it had become increasingly clear that the right to health was intrinsically linked to other social and economic rights and conditions. Nevertheless, an effort would be made to define the minimum standards that form the core content of this right.

The significance of recognizing health as a human right

305. Dr. Fisher (Spokesperson for the British Medical Association and the Commonwealth Medical Association, London, United Kingdom) stated that literacy was probably the most important indicator of health and health status. Literacy was the key to information and thus enabled individuals to learn how best to protect themselves and others from diseases and ill-health.

306. She argued that health-related information should be made available and accessible to all. Information should be tailored to the needs and wishes of the various groups in society. Health-care providers could play an important facilitating role.

307. Independent medical associations could and should play an important role in promoting medical ethics and professional responsibility. Medical associations should do their utmost to uphold respect for such fundamental principles as informed consent, individual autonomy and confidentiality. Human rights was at the very heart of these principles. It was therefore recommended that education in human rights should be part of the training programme of medical doctors.

308. Ms. Renata Simonotti (International Union for Health Promotion and Education, Perugia, Italy) stated that health policies should not aim only at

fighting diseases, but instead should seek the advancement and protection of health. In her view, the right to health was a natural right with both individual and social implications. The advancement and protection of health required that States should adopt a holistic approach on health. A comprehensive health policy should take into account the interrelationship between health and other aspects of social and economic life.

309. Mr. Scott Leckie (Habitat International Coalition, Utrecht, Netherlands) pointed to the issues of poverty and societal injustice underlying many of the current health problems. The link between housing and health was indivisible. On various occasions WHO had recognized the importance of adequate housing as a prerequisite for good health. He identified five key principles that formed the core content of the right to health: the duty of States parties to ensure equality of treatment, non-discrimination and full access to the right enshrined in the Covenant to all persons irrespective of their health status, including the duty to ensure privacy of medical records; the duty of States parties to initiate preventive health approaches; the duty of State parties to confer security of tenure; the duty of States parties to prove to the Committee that the maximum of available resources had in fact been devoted to facilitating improved health, notably through more appropriate housing laws and policies; and the duty of States parties to ensure that otherwise progressive moves would not inevitably result in the non-enjoyment of rights.

310. Dr. S. Flache (Chairperson of the WHO Working Group on Human Rights, Geneva, Switzerland) observed that WHO's interest in, and commitment to, human rights was not as long standing as it might seem. In fact, it was only since the end of the 1970s that WHO, upon the instigation of the World Health Assembly, had emphasized the importance of reducing the gap between the "haves" and "have-nots". The adoption of the Health for All Strategy in 1978 had been a landmark event in WHO's new orientation towards health as a human right. WHO fully recognized the detrimental effects of poverty and overall societal inequalities on health. Mr. Flache recommended the use of health status of vulnerable groups as a determinant for economic development.

311. Ms. Geneviève Pinet (Vice-Chairperson of the WHO Working Group on Human Rights, Geneva, Switzerland) stated that the right to health was a human right, similar and closely linked to the right to liberty and the right to life. It should be evident that the right to health could never represent an absolute right: human beings were by definition not completely healthy. This fact, however, should not be used as a justification to deny a human being any of his or her inalienable human rights.

312. Promoting equality and eliminating discrimination in the context of health implied reducing social and economic inequalities. It was there that the State bore special responsibility to act on behalf of the public interest. For that reason, the disinvestment of the State in social and economic policies was opposed since that development was known to have a detrimental effect on the aspirations enshrined in the right to health.

313. She stated that WHO recognized that the right to health had both individual and social implications. Health policies should enhance the capacity of individuals to bear their own health-related responsibilities.

314. She made three suggestions with respect to future cooperation: the Committee and WHO could initiate a regular exchange of information; the

Committee and WHO could collaborate in the elaboration of a general comment on the right to health; and the United Nations Centre for Human Rights could be invited to stimulate a new international discussion on new forms of reporting on the right to health.

315. Mrs. Margareta Skold (World Council of Churches) said that the Council endorsed the concept of health as adopted by WHO. It sought to make a positive contribution towards the implementation of WHO's famous Declaration of Alma-Ata on primary health care. When analysing a State party's accomplishment concerning the right to health, due attention should be given to such factors as land and property, food, housing, proper sanitation, recreation and economic productivity. In principle it was the right and duty of both the individual and the collectivity to work towards the realization of conditions that led to healthy life circumstances. Those aspirations were, however, sometimes frustrated by the policies of the international monetary institutions.

316. The minimum core content of the right to health could be found in the Declaration of Alma-Ata. The Declaration stressed the importance of primary health care and non-discrimination. The World Council of Churches was concerned about the fact that the Declaration has only been partially implemented so far.

317. A member of the Committee noted that a formulation of the right to health should also take into account the role of traditional medicine. In many communities this was virtually the only form of health care available to people.

318. Another member expressed appreciation of the efforts being made to study the fulfilment of the right to health in its broader social and economic context. He felt, however, that the participants should not stick to a general discussion on the interdependence between health and other social and economic aspects, but instead hoped that they would endeavour to develop more practical and operational guidelines.

319. Another member said that the necessary social and economic reforms could not always be made in the developing countries. The lack of resources was a powerful barrier to implementing all the required adjustment measures. In reply, another member noted that many health problems were not necessarily related to a lack of resources but rather to a lack of priority being given to health.

320. It was observed by a member that women's health was an issue of priority. She felt that the relation of the right to health to other economic and social rights should be taken into account.

Non-discrimination

321. Mr. Aart Hendriks (Chairperson, Dutch Section of the International Commission of Jurists, Leiden, Netherlands), noted that State health policies were, by definition, policies that led to greater equity in society. Members of disadvantaged and vulnerable groups were the primary beneficiaries of State health policies. For the large majority of the world's population, government interventions in the area of health were indispensable to give meaning to their right to health.

322. Whereas the advancement of medicine had contributed to the eradication of some diseases, the development of new vaccines and the improvement of treatment methods, the unrestricted and unbalanced use of these new medical techniques jeopardized some of the very fundamental human rights. Examples of such threats to human rights included mandatory medical examinations and health questionnaires in the context of employment and (public and private) insurance, and medical experiments without the voluntarily given informed consent of the individual.

323. In the absence of protective legislation, there was evidence of widespread violations of the right to privacy, the right to physical integrity and the right not to be discriminated against in both the private and the public sectors.

324. He called upon the Committee to ensure that States parties took appropriate steps, including legislative measures, to prevent and prohibit health-related discrimination from taking place. States parties should not confine themselves to outlawing formal discrimination, but should seek to eliminate material discrimination as well.

325. Ms. Julia Hausermann (Chairperson, Rights and Humanity, London, United Kingdom) regretted that most attention had so far been given to fulfilling the aspirations of the right to health care. She called upon the Committee to look also at the duties to respect and protect the right to health. Failure to comply with the duties to respect and protect the right to health was at the very heart of discrimination and unequal access to health care.

326. She argued against the old myth that the right to health implied balancing individual's rights and public interests. History had demonstrated that public health arguments had too often been used to restrict individual health to the detriment of the health and well-being of the individual and eventually of the community at large. Each individual formed part of a community. Denying individual rights affected the rights of the community as a whole.

327. The AIDS pandemic had illustrated that public health laws were outdated in many countries. In addition she warned that the issue of medical ethics could not be left solely to the medical profession. The State was ultimately responsible for the correct application of professional ethical standards. She called upon the Committee to make an unconditional statement to outlaw any form of health-related discrimination.

328. A member of the Committee regretted that there were no representatives of the world's leading lending organizations participating in the discussions. Those organizations were known to have an important impact on the design and implementation of the social and economic policies of the developing countries.

329. Mr. Louis Vaney (International League of Societies for Persons with a Mental Handicap) referred to the deplorable human rights situation of many people with mental disability. The detrimental effects of policies of segregation and isolation were commonly known, but still hardly acknowledged by those responsible for people with mental disability.

330. He also warned against "overtreatment", which could equally result in segregation. Care and treatment should to the largest extent reasonably possible be provided in an integrated way. Specialized facilities ran the risk of leading to segregation and stigmatization. Societies should acknowledge the value and importance of diversity. People with different mental and physical capacities were not a threat but an enrichment to society.

Concept of a "core content"

331. Dr. Audrey Chapman (Director, Science and Human Rights Programme, American Association for the Advancement of Science (AAAS), Washington, United States of America) briefly described the study project conducted by the Programme on the implications of recognizing a right to a basic and adequate standard of health care in the United States of America and to assess the benefits and problems of doing so.

332. The right to health first of all imposed a duty on the part of the State to guarantee a basic and adequate standard of health protection and care to citizens and residents. The equality of all human beings and their inherent right to health ought to be the foundation of an inclusive health-care system.

333. Perceiving and understanding health as a human rights issue could be enhanced by employing rights language. This could be reinforced by establishing clear individual entitlements to health care. Entitlements of individuals should correspond to duties on the part of the State. The Government had both positive - to uphold or implement - and negative - to refrain from action - obligations. A typical feature of a human-rights-inspired health policy would be the development of programmes targeted on the needs and wishes of the most vulnerable and disadvantaged groups.

334. The AAAS project had identified a number of specific government obligations as well as a series of criteria that formed the core content of the right to health (E/C.12/1993/WP.24). The development of a core content for the right to health under the Covenant required: a focus that stressed broader issues of health protection, preventive health services and the promotion of more favourable environmental and health conditions; development of standards of equality and non-discrimination, including positive action and special treatment programmes for disadvantaged and vulnerable groups; recognition of both the moral and legal basis of an enforceable right to health; availability of procedures that provided for broader participation by the public and groups involved in the policy-making process and in health delivery operations; and, investment in primary health care and community health care.

335. Mr. Rolf Künnemann (International Human Rights Organization for the Right to Feed Oneself (FIAN)) referred to the paper his organization had prepared on "A coherent approach to human rights" (FIAN discussion paper No. 1). As with other economic, social and cultural rights, three dimensions could be distinguished when analysing the right to health: the State's duty to respect, to protect and to fulfil. The Covenant obliged States to provide

each other with mutual assistance in their efforts to comply with their duties. The Covenant thus formed the basis for international health, as well as social and economic collaboration.

336. Mr. H. Al-Attar (Arab Organization for Human Rights) felt that the Constitution of WHO gave a number of concrete indications as to how the right to health could be further defined. The recognition of the close links between health and overall social and economic conditions was of crucial importance. His Organization's contribution to the discussion was contained in the working paper that had been submitted.

Chapter VII

REVIEW OF METHODS OF WORK OF THE COMMITTEE

Introduction

337. At its fourth session, the Committee decided that any proposals which required the approval of the Economic and Social Council should be formulated as draft decisions proposed for adoption by the Council. These drafts are contained in chapter I of the present report.

338. Many other matters relating to the work of the Committee were already covered by past resolutions of the Council. Thus, endorsement by the Council in the case of decisions taken with respect to those matters was not required. Those matters are dealt with in the present chapter.

A. Decisions adopted by the Committee at its eighth session

Adoption of concluding observations

339. The Committee agreed that its concluding observations on each country report would be drafted by a designated country rapporteur, with drafting assistance provided by the secretariat. It also agreed that the draft should be discussed and adopted in closed session. On a grammatical matter, the Committee decided that its concluding observations should be drafted in the present tense.

Additional session in 1994

340. The Committee agreed to request the Economic and Social Council to approve the scheduling of an additional session of the Committee, to be held in May 1994, in order to enable the Committee to deal with the backlog of reports and other matters awaiting its consideration, as well as of a three-day meeting of a working group to be held in December 1993 immediately after the conclusion of the Committee's ninth session, in order to prepare for the consideration of States parties' reports during the Committee's additional session in 1994. For this purpose a draft decision was prepared for adoption by the Economic and Social Council. The Committee requested that each of its draft decisions should be reproduced in a separate document to be issued as rapidly as possible and brought to the attention of the Council at its session in July 1993.

Day of general discussion at the ninth session

341. The Committee reaffirmed that the day of general discussion on an issue of particular importance to the implementation of the Covenant had been successful in serving the range of purposes for which it was intended. It was noted, however, that its inability to invite the participation of experts who could not afford to pay their own expenses greatly reduced the Committee's possibility to draw upon expertise that would most help it to accomplish its objectives effectively. It therefore decided to recommend to the Economic and Social Council that the sum of $10,000 should be made available to the Committee at each session to enable it to pay for the travel and accommodation

of experts invited by it to contribute to its day of general discussion. A draft decision for adoption by the Economic and Social Council was adopted by the Committee for this purpose.

342. The Committee decided that, at its ninth session, the day of general discussion would be Monday, 6 December. It would focus on the right to health with particular emphasis, in that context, on the implications of the principle of non-discrimination and of the concept that there was a minimum core content of each right which constituted a "floor" below which the conditions should not be permitted to fall in any State party.

343. It was also agreed that the pre-sessional working group, to meet from 28 June to 2 July 1993, would be responsible for drawing up a list of the principal issues that could be addressed during the general discussion and for identifying and inviting participants who could best contribute to the Committee's discussion.

Amendments to the rules of procedure

344. The Committee decided to amend its rules of procedure to replace the word "Chairman" by the gender-neutral word "Chairperson". The latter designation would henceforth be used in the relevant parts of the Committee's annual reports.

Amended procedure in the event of the inability of a State party to present its report as scheduled

345. The Committee held several discussions of the problems caused by last-minute notifications by States parties which had been scheduled to present their reports that they would not be able to do so until a future session. It was noted that this had caused the Committee considerable difficulties in the past and had led it to adopt decisions at its fifth and seventh sessions in the hope of discouraging such practices. It noted with considerable regret, however, that these measures had not proved effective. In particular, it was confronted at its eighth session by a situation in which all the States scheduled to present reports during the first week of the session had sought a deferral on extremely short notice. In all, five States parties had indicated at the last moment that they would not be able to proceed, as scheduled, with the presentation of their reports to the Committee at its eighth session.

346. One of the consequences of this situation had been that the Committee had had to suspend its session for three days because it had not received adequate notice that would have enabled it to make use of the time available in some other way. In addition, the lists of questions prepared by the Committee's working group would need to be revised and updated to take account of changing circumstances, member's preparation for the examination of the reports of the countries in question had been partly in vain, the secretariat and conference services provided to the Committee had been significantly underutilized, other reports awaiting the Committee's consideration at its subsequent session had had to be further delayed until the following session, and efforts by domestic and international non-governmental organizations as well as by the press and any other interested groups to follow the discussion of the reports in question had been completely frustrated.

347. In order to avoid such disruption of its ability to function smoothly and effectively in the future, the Committee decided to amend its rules of procedure as follows:

> Once a State party has agreed to the scheduling of its report for consideration by the Committee, the Committee will proceed with the examination of that report at the time scheduled, even in the absence of a representative of the State party.

348. For this purpose it was agreed that, once the Committee had taken a decision on the scheduling of a particular report, the secretariat would notify the State party concerned that, in the absence of advice to the contrary received within six weeks of the date on which the communication was sent, it would be assumed that the State party agreed to the presentation of the report at the time scheduled.

Honoraria for Committee members

349. The Committee noted that members of the Human Rights Committee had, since 1981, received an annual honorarium of $3,000 and that the members of the Committee on the Elimination of Discrimination against Women and of the Committee on the Rights of the Child received the same honoraria. Moreover, since the General Assembly had recently approved the payment of such honoraria to the members of the Committee against Torture and of the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights would soon be the only treaty body whose members did not receive such honoraria. In view of the significant and increasing workload involved in membership of the Committee on Economic, Social and Cultural Rights, and of the need for equitable treatment, the Committee decided to request the Economic and Social Council to authorize the payment of an honorarium for each member of the Committee at the same level as that received by the members of the other treaty bodies.

General comments

350. Two draft general comments were submitted to the Committee for its consideration during its eighth session. Because of lack of time to consider them, the Committee agreed to begin discussion of the drafts at its ninth session. The drafts dealt with: equality and non-discrimination (arts. 2 (2) and 3 of the Covenant); and persons with disabilities.

Rescheduling of session

351. The Committee agreed unanimously to request the Committee on Conferences to reschedule the annual session of the Committee on Economic, Social and Cultural Rights from its current time of November-December to the month of May each year. It noted that the present timing was extremely inconvenient for many members, that very few observers were able to be present at that time, and that the change in the Council's own schedule made it possible for the Committee to be rescheduled. The Committee therefore requested in the strongest possible terms that everything should be done to ensure that its session was rescheduled as proposed and appropriate arrangements made for the scheduling of the pre-sessional working group.

Secretariat servicing

352. The Committee discussed on a number of occasions at its eighth session its need for very significantly greater assistance of a substantive nature from the secretariat. In particular, the Committee was unable to function in a truly effective manner, or to do justice to the efforts made by States parties, in the absence of a careful analysis of all available sources of information relating to the situation in the reporting State. The Committee therefore requested that a detailed analysis should be prepared by the secretariat for each country and that the analysis should be available to the pre-sessional working group.

353. In the medium term, it was clear that the relevant part of the secretariat needed to be not only strengthened but also restructured in order to ensure the availability of competent researchers to assist the Committee members in their endeavours. Given that other treaty bodies had expressed similar needs, it would seem appropriate for the secretariat to begin consideration of a restructuring which, in time, would permit very significant economies of scale as well as careful coordination of the work undertaken for each committee. The Committee also recommended that the Centre for Human Rights should explore the possibility of linking up in some appropriate way with the UNHCR Centre for Documentation on Refugees. In addition, the Committee noted with great satisfaction the efforts being made by the Assistant Secretary-General for Human Rights to establish a documentation unit within the Centre for Human Rights.

NGO participation in the activities of the Committee

354. The Committee adopted the following procedure in relation to this matter:

"A. Written information

1. The Committee reiterates its long-standing invitation to NGOs to submit to it in writing, at any time, information regarding any aspect of its work.

B. Oral information

2. In addition to the receipt of written information, a short period of time will be made available at the beginning of each session of the pre-sessional working group to provide NGOs with an opportunity to submit relevant oral information to the members of the working group.

3. Furthermore, the Committee will set aside part of the first afternoon at each of its sessions to enable it to receive oral information provided by NGOs. Such information should: (a) focus specifically on the provisions of the Covenant on Economic, Social and Cultural Rights; (b) be of direct relevance to matters under consideration by the Committee; (c) be reliable; and (d) not be abusive. The relevant meeting will be open and will be provided with interpretation services, but will not be covered by summary records. The purposes are: to enable the Committee to inform itself as fully as possible; to probe the accuracy and pertinence of information which would

most probably be available to it anyway; and to put the process of receiving NGO information on a more transparent and open basis than is permitted by the current approach.

4. NGOs wishing to present oral information should inform the Committee in advance. In cases in which the Committee receives more expressions of interest than can be dealt with in the limited time available, the Chairperson of the Committee, in consultation with the Bureau, shall determine on an objective basis which NGOs will be invited to make an oral presentation.

5. To the extent that information provided to the Committee in writing under these procedures is referred to by any member of the Committee in questions posed to the State party, the relevant information should be available for consultation by the Government concerned and all other interested parties.

6. The Committee requests its Chairperson, in conjunction with the secretariat, to make these procedures as widely known as possible."

The Committee agreed that this procedure would be reflected accordingly and in those terms in its rules of procedure.

Annual report

355. The Committee decided that it would no longer require the preparation of summaries of the consideration of country reports to be prepared for inclusion in its annual report. It agreed to consider at its next session alternative ways of ensuring that the relevant summary records and other documentation pertaining to the consideration of States parties reports were made widely and readily available to all interested parties, particularly in the country concerned.

356. The Committee requested that the concluding observations relating to each State party should be issued in a separate document to be available at the earliest possible moment after its adoption by the Committee. The concluding observations should be forwarded to the State party concerned immediately upon adoption.

Review of implementation in non-reporting States

357. The Committee decided to consider at its tenth session the situation in relation to four States parties which had not submitted an initial report since becoming a party to the Covenant, in each case before 1980: Mali, Mauritius, Guinea and Gambia.

World Summit for Social Development

358. The Committee took note of the decision of the General Assembly, in its resolution 47/92, to convene a World Summit for Social Development in Copenhagen in 1995. The Committee welcomed this initiative very warmly and expressed the hope that full account would be taken, throughout the process of preparing for the Summit, of the fundamental importance of the provisions contained in the Covenant on Economic, Social and Cultural Rights. The

Committee expressed the hope that it would be invited to send a representative to participate not only at the Summit itself, but also in the preparatory meetings leading up to the Summit.

359. The Committee expressed deep appreciation for the work done by Mrs. Jiménez in relation to the day of general discussion on the rights of the ageing and elderly in relation to the rights recognized in the Covenant on Economic, Social and Cultural Rights. The Committee agreed that it would welcome the submission of a draft general comment on this issue by Mrs. Jiménez and that it would also welcome her further suggestions concerning issues that should be addressed by the Committee in its future examination of States parties' reports.

B. Decisions adopted by the Committee at its ninth session

360. The Committee established a working group to review its existing methods of work, especially in relation to the examination of reports by States parties. The working group was chaired by Mr. Badawi and consisted also of Mr. Alston, Mrs. Bonoan-Dandan, Mr. Grissa and Mr. Simma. Mr. Badawi presented a report of the working group's discussions to the Committee on Tuesday, 7 December. After a thorough discussion of the proposals made by the working group, and of other suggestions made during the general debate, the Committee adopted a number of decisions regarding its future work.

Reporting obligations

361. The Committee examined the problem that arose when a subsequent periodic report was due for submission very soon after the Committee had concluded its consideration of a previous report by the same State party, in the light of the request of certain States that an extension of the due date for the subsequent report should be accorded by the Committee. The Committee was of the view that the obligation to report regularly and in a timely manner was an obligation voluntarily undertaken by States parties and binding upon them. In principle, therefore, it was not for the Committee to reduce the reporting obligations thus assumed in the case of any particular State party, especially when this would amount to rewarding that State for the tardy submission of a previous report.

362. The Committee acknowledged, however, that there could be exceptional circumstances which would justify the granting of an extension of time for submission. The Committee decided, therefore, that such extensions could only be granted on a case-by-case basis.

Termination of the old reporting system

363. The Committee pointed out that when it had decided to change the reporting periodicity under the Covenant from the old system (which required three reports to be submitted - dealing with articles 6-9, 10-12 and 13-15 respectively - over a period of nine years) to the new system (requiring one comprehensive report every five years), it left States parties to decide for themselves when they would best be able to move from the old system to the new one. It noted, however, that some five years after this decision, it was still receiving reports based on the old triennial system. Because that situation gave an unwarranted advantage to States which continued to apply the old system (thus reporting comprehensively once in nine rather than

five years), the Committee decided that it did not wish to receive any further triennial reports after 1 January 1995. This meant that any report submitted after that date should be a comprehensive report dealing with the entire Covenant and based on the Committee's overall reporting guidelines. It requested the secretariat to send a letter to each State party notifying it of that change.

Annexes to States parties' reports

364. The Committee took note of a problem in relation to the submission of annexes to reports by States parties. In order to avoid the problem where annexes were not made available directly to each member, the Committee decided to request Governments, wherever possible and appropriate, to provide a sufficient number of copies of important annexes to enable each member to receive one. In cases where only one copy was submitted, the Committee requested the secretariat to consult the Chairperson to determine which, if any, of the annexes should be copied and made available to members. It was assumed in this regard that only annexes of specific importance to the report itself would need to be copied.

Written lists of issues

365. The Committee reaffirmed the importance it attached to receiving detailed and reliable information from non-governmental organizations and requested that every effort should be made by those organizations to provide any such information in time for it to be taken into account by the pre-sessional working group responsible for drawing up the list of issues to be submitted to the State party. The Committee agreed that in future an effort should be made to limit the range of issues addressed in the list of written questions drawn up by the pre-sessional working group. The Committee's principal concern was not so much to limit the number of questions per se but rather to attempt to ensure that the questions posed were precise and clearly focused, with a view to identifying the issues that should be accorded priority by the Committee in its dialogue with the representatives of the State party.

366. In relation to the situation in States parties which had not submitted a report, the Committee decided that no preliminary list of questions or issues would be drawn up. Rather, the attention of the States parties concerned would be drawn to the reporting guidelines. The leading role in the subsequent discussion of such situations would be taken by a designated country rapporteur, who did not need therefore to have been a member of the relevant pre-sessional working group.

367. The Committee strongly urged States parties to provide replies in writing to the lists of written questions. If at all possible this should be done sufficiently in advance of the Committee's session to permit translation and distribution of the written replies to members of the Committee. While the Committee recognized that this might not always be practicable, it noted that the quality of the dialogue could be significantly improved if written replies were circulated and that this was very much in the interests of both the Committee and the State party.

Consideration of States parties' reports

368. The Committee, taking account of the fact that individual members had every opportunity to express their views on the quality of a report by a State party during the dialogue with the representatives, decided that, at the end of the dialogue, thanks would be expressed to the delegation only by the Chairperson.

Concluding observations

369. The Committee recognized that, in drawing up its concluding observations, every effort should be made to achieve a general degree of consistency while at the same time maintaining the flexibility appropriate to a case-by-case approach. In this connection, it requested Mr. Marchan Romero to prepare, for its tenth session, a draft check-list of issues to be considered in the drawing up of concluding observations. It agreed that the concluding observations should, inter alia, seek to identify those issues which the State party was required to address in its next periodic report.

370. The Committee confirmed that its concluding observations were considered to be public as soon they had been adopted by the Committee in a public session. That would almost invariably be on the last or penultimate day of each session.

Pre-sessional working group

371. The Committee decided that, in future, its pre-sessional working group should be scheduled immediately before the session preceding that at which the relevant State party report would be considered. The Committee took that decision on the basis of an assumption that it would most likely be necessary in the future for two sessions of the Committee to be held each year. Thus, for example, the Committee envisaged that the list of issues in relation to a report to be considered at its November session would be drawn up by a pre-sessional working group to be held immediately prior to its May session. It noted also that the holding of its regular sessions back-to-back with the pre-sessional working groups would result in significant savings for the United Nations.

Provision of advisory services

372. The Committee held a brief discussion on the importance of the provision of advisory services in connection with the obligations contained in the Covenant. It noted particularly the importance attributed by articles 22 and 23 of the Covenant to the provision of advisory services. In order to put it in a better position to address this issue constructively in the future, it requested the secretariat to provide it, at its next session, with a detailed report in writing of all the advisory service projects undertaken so far which had a specific and clearly identified economic, social and cultural rights component. It also asked the secretariat to indicate in specific terms the type of assistance which, in its view, could be made available to States parties in connection with their obligations under the Covenant.

Follow-up measures

373. The Committee discussed the situation in relation to requests submitted by it to Panama and the Dominican Republic to give consideration to inviting a representative of the Committee to visit each of these countries in order to clarify certain matters which had arisen during the dialogue between the Committee and the State party. It noted that, in each case, the Economic and Social Council had endorsed the request of the Committee in specific decisions. It also noted with regret that no response had been received from either State party. The Committee therefore decided to reaffirm the importance it attached to a continuing dialogue with those two States parties and to request its Chairperson to invite a representative of each of the Governments to attend the tenth session of the Committee with a view to providing further information on the matters identified by the Committee. For this purpose, the Committee agreed to schedule consideration of the situation in Panama and in the Dominican Republic at its tenth session, to permit it to adopt concluding observations in each case. The Committee also asked the secretariat to collect all available information in order to facilitate its consideration of these situations at that session.

374. The Committee had also received a detailed submission from a coalition of non-governmental organizations relating to alleged violations in the Philippines of the right to adequate housing contained in article 11 (1) of the Covenant. After considering the relevant information, the Committee decided that the information contained in the document was enough to give rise to concern that violations were occurring and that future measures might amount to further violations of the obligations contained in the Covenant. In order to pursue the matter, it asked its Chairperson to address a letter to the Government of the Philippines, requesting it to provide information in response to the document and preferably to do so in the context of a report on articles 10 to 12 to be submitted to the Committee as soon as possible, and in any event prior to its tenth session. It noted that, although the Philippines had been a party to the Covenant since 1976, it had yet to submit its initial report relating to articles 10 to 12. In relation to that request, the Committee specifically asked its Chairperson to draw the attention of the Government of the Philippines to General Comment number 4 adopted by the Committee in 1991.

Access to adequate sources of information

375. The Committee reaffirmed its long-standing view that access to adequate sources of information was indispensable to enable it to carry out a meaningful examination of reports submitted to it. In that regard, it welcomed the greatly improved analytical reports being prepared for it by the secretariat. It noted, however, that important elements were still lacking, owing in large part to the Committee's inability to date to obtain consistent access to important and directly relevant documentation prepared by various United Nations agencies. It noted that in paragraph 22 of its resolution 1993/14, the Commission on Human Rights requested the Secretary-General "to promote coordination of the human rights activities of the United Nations and those of development agencies with a view to drawing upon their relevant expertise and support". The Committee decided that a letter should be addressed to several of the agencies, including in particular the World Bank, UNICEF, UNDP and UNESCO, asking them to ensure that the Committee would be provided on a regular basis with all the available country

specific information which was relevant to situations coming before the Committee in connection with its review of implementation by those States of economic, social and cultural rights.

Information on the work of other treaty bodies

376. The Committee heard detailed reports from several of its members analysing the work of the other treaty bodies. It noted that this information was of considerable value to it and requested that the following members should take responsibility for reporting to it at its tenth and eleventh sessions on the activities of the other treaty bodies: Human Rights Committee - Mr. Kouznetsov; Committee against Torture - Mrs. Jiménez; Committee on the Rights of the Child - Mrs. Bonoan-Dandan; Committee on the Elimination of Racial Discrimination - Mr. Simma; and Committee on the Elimination of Discrimination against Women - Mrs. Ider.

Human rights education

377. The Committee held a discussion on the issue of human rights education. In this regard it heard statements from Mr. T. McCarthy and Mr. D. Prémont of the Centre for Human Rights and from Mr. R. Wadlow from the World Federalist Movement. The Committee took note of a letter sent to it by the Assistant Secretary-General for Human Rights, emphasizing the importance of human rights education and enlisting the Committee's assistance in promoting action in accordance with the relevant provisions of the Vienna Declaration and Programme of Action. The Committee also took note of the speech presented on behalf of the Secretary-General to the Montreal Conference on Human Rights Education and the speech presented on behalf of the Assistant Secretary-General for Human Rights to a very recent conference in Rome. It noted in that regard that suggestions had been made for the Committee to ensure that its reporting guidelines adequately reflected the importance of human rights education, to place greater emphasis in its dialogue with States parties on human rights education, to devote a day of general discussion to the issue and to consider preparation of a general comment. It was also noted that a draft resolution currently before the General Assembly proposed the declaration of a United Nations decade for human rights education. After a discussion of these issues, the Committee agreed to schedule a day of general discussion on that topic at its eleventh session and noted that, in the general course of events, it would most probably lead to the adoption of a general comment specifically devoted to human rights education.

Day of general discussion

378. The Committee decided that the topic to be discussed during the day of general discussion at its tenth session, to be held on Monday, 16 May 1994, would be: "The role of social safety nets as a means of protecting economic, social and cultural rights, with particular reference to situations involving major structural adjustment and/or the transition to a free market economy". The Committee invited the participation of groups with special expertise in these matters. In particular, it invited the participation of representatives of concerned international agencies, including the World Bank, the International Monetary Fund, the International Labour Organisation, the United Nations Research Institute on Social Development, the United Nations Conference on Trade and Development and the United Nations Development Programme.

379. The Committee decided that the topic to be discussed during the day of general discussion at its eleventh session, to be held on Monday, 5 December 1994, would be: "Human rights education and public information activities relating to the Covenant on Economic, Social and Cultural Rights". It asked Mrs. Bonoan-Dandan to be primarily responsible for the preparation of the day of general discussion and to ensure that appropriate background documentation would be available on that occasion. It also requested the secretariat to provide Mrs. Bonoan-Dandan with all relevant information concerning recent developments in the field of human rights education and to provide the Committee with a survey of information about existing activities in relation to human rights education within the United Nations system and an indication of the issues which might usefully be addressed in the Committee's dialogue with States parties concerning human rights education. The Committee also asked the secretariat to make known that topic of discussion as widely as possible and to encourage the participation of all interested organizations, groups and individuals.

380. The Committee received a proposal that it should include in its annual report the text of a working paper prepared by one of its members, Mr. Alvarez Vita, in connection with the day of general discussion on the right to health. After discussion, the Committee agreed to postpone its consideration of this proposal until the paper was available to it in the relevant language versions.

381. The Committee agreed that the text of summaries of its days of general discussion held at its eighth and ninth sessions should be considered and adopted for inclusion in its annual report by its working group, which would meet immediately after its ninth session.

Cooperation with the Commission on Human Rights and its Sub-Commission

382. The Committee held a discussion with Mr. Louis Joinet, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, on the question of impunity. The Committee greatly appreciated the opportunity to discuss matters of major concern with Mr. Joinet and expressed its continued willingness to examine these issues and to respond to any request received in the future by Mr. Joinet. It also emphasized the importance of taking full account of economic, social and cultural rights in the context of any comprehensive examination of the question of impunity.

383. The Committee invited the Chairperson of the Right to Development Working Group established by the Commission on Human Rights, Ambassador Mohammed Ennaceur, to address it. Mr. Ennaceur informed the Committee of developments in the first session of the Working Group and emphasized the importance that he and his colleagues had attached to the promotion of economic, social and cultural rights within the comprehensive framework laid down by the 1986 Declaration on the Right to Development. The Committee expressed its wish to collaborate closely with the Working Group in its future work, to which Mr. Ennaceur was receptive.

World Summit for Social Development

384. The Committee discussed arrangements for the World Summit for Social Development, to be held in Copenhagen from 6 to 12 March 1995. In this connection, it welcomed the Coordinator of the Summit, Mr. Jacques Baudot, who made a detailed presentation on the developments that had occurred so far. The Committee expressed its desire to be fully involved in the preparation of the Summit and emphasized the importance of ensuring that economic, social and cultural rights would be fully taken into account in the outcome of that meeting. For that purpose, it asked the Secretary-General to ensure that a representative of the Committee would be able to participate in the Social Summit, as well as in the Fourth World Conference on Women: Action for Equality, Development and Peace, to be held in Beijing from 4 to 15 September 1995. The Committee requested that the appropriate financial resources should be made available for this purpose. In addition the Committee requested the Preparatory Committee for the Social Summit to explore all appropriate measures to enable the Committee to have its views taken fully into account, both in the proceedings of the Preparatory Committee and at the Summit itself. The Committee noted that the day of general discussion at its tenth session would provide an excellent basis for the preparation of a detailed submission to be drawn up and presented to the Preparatory Committee.

Expression of appreciation to Mr. Enayat Houshmand

385. The Committee took note of the impending retirement of Mr. Enayat Houshmand as acting director of the Centre for Human Rights and wished to place on record its deep appreciation for the assistance and advice that he had provided to the Committee since its inception.

Draft optional protocol

386. The Committee noted with satisfaction the provision contained in the Programme of Action adopted by the World Conference on Human Rights encouraging the Commission on Human Rights, in cooperation with the Committee on Economic, Social and Cultural Rights, to continue the examination of optional protocols to the Covenant. The Committee therefore decided to continue its consideration of a draft optional protocol at its tenth session on the basis of a paper to be submitted to it by Mr. Philip Alston. That paper should analyse the proposal further, in the light of earlier discussions, and identify the principal characteristics of a possible optional complaints procedure.

Draft general comments

387. The Committee regretted that time did not permit it to consider at its ninth session the text of two draft general comments submitted to it in relation to persons with disabilities and the elderly and ageing, respectively. It agreed that it would accord priority consideration to those drafts at its tenth session.

Expert seminar on the role of financial institutions

388. The Committee endorsed in very strong terms the proposal adopted by the Commission on Human Rights, in paragraph 18 of its resolution 1993/14, "to invite the international financial institutions to consider the possibility of organizing an expert seminar on the role of the financial institutions in the realization of economic, social and cultural rights". It asked its Chairperson to write to the principal institutions concerned to indicate its support and to urge that every effort should be made to organize such a seminar. The Committee would wish to contribute as fully as possible to the preparation of such an event.

Chapter VIII

ADOPTION OF THE REPORT

389. At its 49th meeting, on 10 December 1993, the Committee considered its draft report to the Economic and Social Council on the work of its eighth and ninth sessions (E/C.12/1993/CRP.1 and Add.1-5 and CRP.2 and Add.1-3). The Committee adopted the report as amended in the course of the discussion.

ANNEXES

Annex I

STATES PARTIES TO THE COVENANT AND STATUS OF SUBMISSION OF REPORTS
(as of 10 December 1993)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
1. Afghanistan	24 April 1983	E/1990/5/Add.8 (E/C.12/1991/SR.2, 4-6 and 8)					
2. Albania	4 January 1992	Arts. 1-15, due on 30 June 1994					
3. Algeria	12 December 1989	Overdue					
4. Angola	10 April 1992	Arts. 1-15, due on 30 June 1994					
5. Argentina	8 November 1986	E/1990/5/Add.18 (Pending consideration)		E/1988/5/Add.4 E/1988/5/Add.8 (E/C.12/1990/SR.18-20)			
6. Armenia	13 December 1993	Arts. 1-15, due on 30 June 1995					
7. Australia	10 March 1976	E/1978/8/Add.15 (E/1980/WG.1/SR.12-13)	E/1980/6/Add.22 (E/1981/WG.1/SR.18)	E/1982/3/Add.9 (E/1982/WG.1/SR.13-14)	E/1984/7/Add.22 (E/1985/WG.1/SR.17, 18 and 21)	E/1986/4/Add.7 (E/1986/WG.1/SR.10, 11, 13 and 14)	E/1990/7/Add.13 (E/C.12/1993/SR.13, 15 and 20)
8. Austria	10 December 1978	E/1984/6/Add.17 (E/C.12/1988/SR.3-4)	E/1980/6/Add.19 (E/1981/WG.1/SR.8)	E/1982/3/Add.37 (E/C.12/1988/SR.3)	E/1990/6/Add.5 (Pending consideration)	E/1986/4/Add.8 and Corr.1 (E/1986/WG.1/SR.4 and 7)	E/1990/6/Add.5 (Pending consideration)
9. Azerbaijan	13 November 1992	Arts. 1-15, due on 30 June 1994					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
10. Barbados	3 January 1976	E/1978/8/Add.33 (E/1982/WG.1/ SR.3)	E/1980/6/Add.27 (E/1982/WG.1/ SR.6-7)	E/1982/3/Add.24 (E/1983/WG.1/ SR.14-15)	Overdue		
11. Belarus	3 January 1976	E/1978/8/Add.19 (E/1980/WG.1/ SR.16)	E/1980/6/Add.18 (E/1981/WG.1/ SR.16)	E/1982/3/Add.3 (E/1982/WG.1/ SR.9-10)	E/1984/7/Add.8 (E/1984/WG.1/ SR.13-15)	E/1986/4/Add.19 (E/C.12/1988/ SR.10-12)	E/1990/7/Add.5 (E/C.12/1992/ SR.2, 3 and 12)
12. Belgium	21 July 1983	E/1990/5/Add.15 (Pending consideration)					
13. Benin	12 June 1992	Arts. 1-15, due on 30 June 1994					
14. Bolivia	12 November 1982	Overdue					
15. Bosnia and Herzegovina	6 March 1993	Arts. 1-15, due on 30 June 1995					
16. Brazil	24 April 1992	Arts. 1-15, due on 30 June 1994					
17. Bulgaria	3 January 1976	E/1978/8/Add.24 (E/1980/WG.1/ SR.12)	E/1980/6/Add.29 (E/1982/WG.1/ SR.8)	E/1982/3/Add.23 (E/1983/WG.1/ SR.11-13)	E/1984/7/Add.18 (E/1985/WG.1/ SR.9 and 11)	E/1986/4/Add.20 (E/C.12/1988/ SR.17-19)	Overdue
18. Burundi	9 August 1990	Overdue					
19. Cambodia	26 August 1992	Arts. 1-15, due on 30 June 1994					
20. Cameroon	27 September 1984	Overdue	E/1986/3/Add.8 (E/C.12/1989/ SR.6-7)	Overdue			
21. Canada	19 August 1976	E/1978/8/Add.32 (E/1982/WG.1/ SR.1-2)	E/1980/6/Add.32 (E/1984/WG.1/ SR.4 and 6)	E/1982/3/Add.34 (E/1986/WG.1/ SR 13, 15 and 16)	E/1984/7/Add.28 (E/C.12/1989/ SR.8 and 11)	E/1990/6/Add.3 (E/C.12/1993/SR.5, 6 and 18)	

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
22. Cape Verde	6 November 1993	Arts. 1-15, due on 30 June 1995					
23. Central African Republic	8 August 1981	Overdue					
24. Chile	3 January 1976	E/1978/8/Add.10 and 28 (E/1980/WG.1/ SR.8-9)	E/1980/6/Add.4 (E/1981/WG.1/ SR.7)	E/1982/3/Add.40 (E/C.12/1988/ SR.12-13 and 16)	E/1984/7/Add.1 (E/1984/WG.1/ SR.11-12)	E/1986/4/Add.18 (E/C.12/1988/ SR.12-13 and 16)	Overdue
25. Colombia	3 January 1976	E/1978/8/Add.17 (E/1980/WG.1/ SR.15)	E/1986/3/Add.3 (E/1986/WG.1/ SR.6 and 9)	E/1982/3/Add.36 (E/1986/WG.1/ SR.15, 21 and 22)	E/1984/7/Add.21/ Rev.1 (E/1986/WG.1/ SR.22 and 25)	E/1986/4/Add.25 (E/C.12/1990/ SR.12-14 and 17)	E/1990/7/Add.4 (E/C.12/1991/ SR.17, 18 and 25)
26. Congo	5 January 1984	Overdue					
27. Costa Rica	3 January 1976	E/1990/5/Add.3 (E/C.12/1990/SR.38, 40, 41 and 43)			Overdue		
28. Côte d'Ivoire	26 June 1992	Arts. 1-15, due on 30 June 1994					
29. Croatia	8 October 1991	Overdue					
30. Cyprus	3 January 1976	E/1978/8/Add.21 (E/1980/WG.1/ SR.17)	E/1980/6/Add.3 (E/1981/WG.1/ SR.6)	E/1982/3/Add.19 (E/1983/WG.1/ SR.7-8)	E/1984/7/Add.13 (E/1984/WG.1/ SR.18 and 22)	E/1986/4/Add.2 and 26 (E/C.12/1990/ SR.2, 3 and 5)	Overdue
31. Czech Republic	1 January 1993	Arts. 1-15, due on 30 June 1995					
32. Democratic People's Republic of Korea	14 December 1981	E/1984/6/Add.7 (E/C.12/1987/ SR.21-22)	E/1986/3/Add.5 (E/C.12/1987/ SR.21-22)	E/1988/5/Add.6 (E/C.12/1991/ SR.6, 8 and 10)	Overdue		

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
33. Denmark	3 January 1976	E/1978/8/Add.13 (E/1980/WG.1/ SR.10)	E/1980/6/Add.15 (E/1981/WG.1/ SR.12)	E/1982/3/Add.20 (E/1983/WG.1/ SR.8-9)	E/1984/7/Add.11 (E/1984/WG.1/ SR.17 and 21)	E/1986/4/Add.16 (E/C.12/1988/ SR.8-9)	Overdue
34. Dominica	17 September 1993	Arts. 1-15, due on 30 June 1995					
35. Dominican Republic	4 April 1978	E/1990/5/Add.4 (E/C.12/1990/SR.43-45 and 47)			Arts. 1-15, due on 30 June 1994		
36. Ecuador	3 January 1976	E/1978/8/Add.1 (E/1980/WG.1/ SR.4-5)	E/1986/3/Add.14 E/1988/5/Add.7 (E/C.12/1990/SR.37-39 and 42)		E/1984/7/Add.12 (E/1984/WG.1/ SR.20 and 22)	Overdue	
37. Egypt	14 April 1982	Overdue					
38. El Salvador	29 February 1980	Overdue					
39. Equatorial Guinea	25 December 1987	Overdue					
40. Estonia	21 January 1992	Arts. 1-15, due on 30 June 1994					
41. Ethiopia	11 September 1993	Arts. 1-15, due on 30 June 1995					
42. Finland	3 January 1976	E/1978/8/Add.14 (E/1980/WG.1/ SR.6)	E/1980/6/Add.11 (E/1981/WG.1/ SR.10)	E/1982/3/Add.28 (E/1984/WG.1/ SR.7-8)	E/1984/7/Add.14 (E/1984/WG.1/ SR.17-18)	E/1986/4/Add.4 (E/1986/WG.1 SR.8-9 and 11)	E/1990/7/Add.1 (E/C.12/1991/ SR.11, 12 and 16)
43. France	4 February 1981	E/1984/6/Add.11 (E/1986/WG.1/ SR.18-19 and 21)	E/1986/3/Add.10 (E/C.12/1989/ SR.12-13)	E/1982/3/Add.30 and Corr.1 (E/1985/WG.1/ SR.5 and 7)	Overdue		
44. Gabon	21 April 1983	Overdue					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
45. Gambia	29 March 1979 [b]	Overdue					
46. Germany	3 January 1976	E/1978/8/Add.8 and Corr.1 (E/1980/WG.1/ SR.8) E/1978/8/Add.11 (E/1980/WG.1/ SR.10)	E/1980/6/Add.6 (E/1981/WG.1/ SR.8) E/1980/6/Add.10 (E/1981/WG.1/ SR.10)	E/1982/3/Add.15 and Corr.1 (E/1983/WG.1/ SR.5-6) E/1982/3/Add.14 (E/1982/WG.1/ SR.17-18)	E/1984/7/Add.3 and 23 (E/1985/WG.1/ SR.12 and 16) E/1984/7/Add.24 and Corr.1 (E/1986/WG.1/ SR.22-23 and 25)	E/1986/4/Add.11 (E/C.12/1987/ SR.11, 12 and 14) E/1986/4/Add.10 (E/C.12/1987/ SR.19-20)	E/1990/7/Add.12 (E/C.12/1993/ SR.35, 36 and 46)
47. Greece	16 August 1985	Overdue					
48. Grenada	6 December 1991	Overdue					
49. Guatemala	19 August 1988	Overdue					
50. Guinea	24 April 1978	Overdue					
51. Guinea-Bissau	2 October 1992	Arts. 1-15, due on 30 June 1994					
52. Guyana	15 May 1977	Overdue	Overdue	E/1982/3/Add.5, 29 and 32 (E/1984/WG.1/ SR.20 and 22 and E/1985/WG.1/ SR.6)			
53. Honduras	17 May 1981	Overdue					
54. Hungary	3 January 1976	E/1978/8/Add.7 (E/1980/WG.1/ SR.7)	E/1980/6/Add.37 (E/1986/WG.1/ SR.6-7 and 9)	E/1982/3/Add.10 (E/1982/WG.1/ SR.14)	E/1984/7/Add.15 (E/1984/WG.1/ SR.19 and 21)	E/1986/4/Add.1 (E/1986/WG.1/ SR.6-7 and 9)	E/1990/7/Add.10 (E/C.12/1992/ SR.9, 12 and 21)

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
55. Iceland	22 November 1979	E/1990/5/Add.6 and 14 E/1990/5/Add.14 (E/C.12/1993/SR.29, 30, 31 and 46)					
56. India	10 July 1979	E/1984/6/Add.13 (E/1986/WG.1/ SR.20 and 24)	E/1980/6/Add.34 (E/1984/WG.1/ SR.6 and 8)	E/1988/5/Add.5 (E/C.12/1990/ SR.16-17 and 19)	Overdue		
57. Iran (Islamic Republic of)	3 January 1976	E.1990/5/Add.9 (E/C.12/1993/SR.7-9 and 20)		E/1982/3/Add.43 (E/C.12/1990/ SR.42, 43 and 45)			
58. Iraq	3 January 1976	E/1984/6/Add.3 and 8 (E/1985/WG.1/ SR.8 and 11)	E/1980/6/Add.14 (E/1981/WG.1/ SR.12)	E/1982/3/Add.26 (E/1985/WG.1/ SR.3-4)	Overdue	E/1986/4/Add.3 (E/1986/WG.1/ SR.8 and 11)	E/1990/7/Add.15 (Pending consideration)
59. Ireland	8 March 1990	Overdue					
60. Israel	3 January 1982	Arts. 1-15, due on 30 June 1994					
61. Italy	15 December 1978	E/1978/8/Add.34 (E/1982/WG.1/ SR.3-4)	E/1980/6/Add.31 and 36 (E/1984/WG.1/ SR.3 and 5)		E/1990/6/Add.2 (E/C.12/1992/SR.13, 14 and 21)		
62. Jamaica	3 January 1976	E/1978/8/Add.27 (E/1980/WG.1/ SR.20)	E/1986/3/Add.12 (E/C.12/1990/ SR.10-12 and 15)	E/1988/5/Add.3 (E/C.12/1990/ SR.10-12 and 15)	E/1984/7/Add.30 (E/C.12/1990/ SR.10-12 and 15)	Overdue	

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
63. Japan	21 September 1979	E/1984/6/Add.6 and Corr.1 (E/1984/WG.1/ SR.9-10)	E/1986/3/Add.4 and Corr.1 (E/1986/WG.1/ SR.20-21 and 23)	E/1982/3/Add.7 (E/1982/WG.1/ SR.12-13)	Overdue		
64. Jordan	3 January 1976	E/1984/6/Add.15 (E/C.12/1987/ SR.6-8)	E/1986/3/Add.6 (E/C.12/1987/ SR.8)	E/1982/3/Add.38/ Rev.1 (E/C.12/1991/ SR.30-32)	Overdue		
65. Kenya	3 January 1976	E/1990/5/Add.17 (Pending consideration)					
66. Latvia	14 July 1992	Arts. 1-15, due on 30 June 1994					
67. Lebanon	3 January 1976	E/1990/5/Add.16 (E/C.12/1993/SR.14, 16 and 21)					
68. Lesotho	9 December 1992	Arts. 1-15, due on 30 June 1994					
69. Libyan Arab Jamahiriya	3 January 1976	Overdue	Overdue	E/1982/3/Add.6 and 25 (E/1983/WG.1/ SR.16-17)			
70. Lithuania	20 February 1992	Arts. 1-15, due on 30 June 1994					
71. Luxembourg	18 November 1983	E/1990/5/Add.1 (E/C.12/1990/SR.33-36)			Overdue		

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
72. Madagascar	3 January 1976	E/1978/8/Add.29 (E/1981/WG.1/ SR.2)	E/1980/6/Add.39 (E/1986/WG.1/ SR.2-3 and 5)	Overdue	E/1984/7/Add.19 (E/1985/WG.1/ SR.14 and 18)	Overdue	Overdue
73. Mali	3 January 1976	Overdue					
74. Malta	13 December 1990	Overdue					
75. Mauritius	3 January 1976	Overdue					
76. Mexico	23 June 1981	E/1984/6/Add.2 and 10 (E/1986/WG.1/ SR.24, 26 and 28)	E/1986/3/Add.13 (E/C.12/1990/ SR.6, 7 and 9)	E/1982/3/Add.8 (E/1982/WG.1/ SR.14-15)	E/1990/6/Add.4 (E/C.12/1993/SR.32-35 and 49)		
77. Moldova	26 March 1993	Arts. 1-15, due on 30 June 1995					
78. Mongolia	3 January 1976	E/1978/8/Add.6 (E/1980/WG.1/ SR.7)	E/1980/6/Add.7 (E/1981/WG.1/ SR.8-9)	E/1982/3/Add.11 (E/1982/WG.1/ SR.15-16)	E/1984/7/Add.6 (E/1984/WG.1/ SR.16 and 18)	E/1986/4/Add.9 (E/C.12/1988/ SR.5 and 7)	Overdue
79. Morocco	3 August 1979	E/1990/5/Add.13 (Pending consideration)					
80. Nepal	14 August 1991	Overdue					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
81. Netherlands	11 March 1979	E/1984/6/Add.14 and 20 (E/C.12/1987/ SR.5-6) (E/C.12/1989/ SR.14-15)	E/1980/6/Add.33 (E/1984/WG.1/ SR.4-6 and 8)	E/1982/3/Add.35 and 44 (E/1986/WG.1/ SR.14 and 18) (E/C.12/1989/ SR.14-15)	Overdue	E/1986/4/Add.24 (E/C.12/1989/ SR.14-15)	Overdue
82. New Zealand	28 March 1979	E/1990/5/Add.5, E/1990/5/Add.11 and E/1990/5/Add.12 (E/C.12/1993/SR.24, 25, 26 and 40)					
83. Nicaragua	12 June 1980	E/1984/6/Add.9 (E/1986/WG.1/ SR.16-17 and 19)	E/1986/3/Add.15 and 16 (E/C.12/1993/ SR.27, 28 and 46)	E/1982/3/Add.31 and Corr.1 (E/1985/WG.1/ SR.15)			
84. Niger	7 June 1986	Overdue					
85. Nigeria	29 October 1993	Arts. 1-15, due on 30 June 1995					
86. Norway	3 January 1976	E/1978/8/Add.12 (E/1980/WG.1/ SR.5)	E/1980/6/Add.5 (E/1981/WG.1/ SR.14)	E/1982/3/Add.12 (E/1982/WG.1/ SR.16)	E/1984/7/Add.16 (E/1984/WG.1/ SR.19 and 22)	E/1986/4/Add.21 (E/C.12/1988/ SR.14-15)	E/1990/7/Add.7 (E/C.12/1992/ SR.4, 5 and 12)
87. Panama	8 June 1977	E/1984/6/Add.19 (E/C.12/1991/ SR.3, 5 and 8)	E/1980/6/Add.20 and 23 (E/1982/WG.1/ SR.5)	E/1988/5/Add.9 (E/C.12/1991/ SR.3, 5 and 8)	E/1986/4/Add.22 (E/C.12/1991/SR.3, 5 and 8)		
88. Paraguay	10 September 1992	Arts. 1-15, due on 30 June 1994					
89. Peru	28 July 1978	E/1984/6/Add.5 (E/1984/WG.1/ SR.11 and 18)	Overdue	Overdue			

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
90. Philippines	3 January 1976	E/1978/8/Add.4 (E/1980/WG.1/ SR.11)	Overdue	E/1988/5/Add.2 (E/C.12/1990/ SR.8-9 and 11)	E/1984/7/Add.4 (E/1984/WG.1/ SR.15 and 20)		
91. Poland	18 June 1977	E/1978/8/Add.23 (E/1980/WG.1/ SR.18-19)	E/1980/6/Add.12 (E/1981/WG.1/ SR.11)	E/1982/3/Add.21 (E/1983/WG.1/ SR.9-10)	E/1984/7/Add.26 and 27 (E/1986/WG.1/ SR.25-27)	E/1986/4/Add.12 (E/C.12/1989/ Sr.5-6)	E/1990/7/Add.9 (E/C.12/1992/ SR.6, 7 and 15)
92. Portugal	31 October 1978		E/1980/6/Add.35/ Rev.1 (E/1985/WG.1/ SR.2 and 4)	E/1982/3/Add.27/ Rev.1 (E/1985/WG.1/ SR.6 and 9)	Overdue		
93. Republic of Korea	10 July 1990	E/1990/5/Add.19 (Pending consideration)					
94. Romania	3 January 1976	E/1978/8/Add.20 (E/1980/WG.1/ SR.16-17)	E/1980/6/Add.1 (E/1981/WG.1/ SR.5)	E/1982/3/Add.13 (E/1982/WG.1/ SR.17-18)	E/1984/7/Add.17 (E/1985/WG.1/ SR.10 and 13)	E/1986/4/Add.17 (E/C.12/1988/ SR.6)	E/1990/7/Add.14 (Pending consideration)
95. Russian Federation	3 January 1976	E/1978/8/Add.16 (E/1980/WG.1/ SR.14)	E/1980/6/Add.17 (E/1981/WG.1/ SR.14-15)	E/1982/3/Add.1 (E/1982/WG.1/ SR.11-12)	E/1984/7/Add.7 (E.1984/WG.1/ SR.9-10)	E/1986/4/Add.14 (E/C.12/1987/ SR.16-18)	E/1990/7/Add.8 (Pending consideration)
96. Rwanda	3 January 1976	E/1984/6/Add.4 (E/1984/WG.1/ SR.10 and 12)	E/1986/3/Add.1 (E/1986/WG.1/ SR.16 and 19)	E/1982/3/Add.42 (E/C.12/1989/ SR.10-12)	E/1984/7/Add.29 (E/C.12/1989/ SR.10-12)	Overdue	Overdue
97. Saint Vincent and the Grenadines	9 February 1982	Overdue					
98. San Marino	18 January 1986	Overdue					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
99. Senegal	13 May 1978	E/1984/6/Add.22 (E/C.12/1993/ SR.37, 38 and 49)	E/1980/6/Add.13/ Rev.1 (E/1981/WG.1/ SR.11)	E/1982/3/Add.17 (E/1983/WG.1/ SR.14-16)			
100. Seychelles	5 August 1992	Arts. 1-15, due on 30 June 1994					
101. Slovakia	28 May 1993	Arts. 1-15, due on 30 June 1995					
102. Slovenia	6 July 1992	Arts. 1-15, due on 30 June 1994					
103. Solomon Islands	17 March 1982	Overdue					
104. Somalia	24 April 1990	Overdue					
105. Spain	27 July 1977	E/1978/8/Add.26 (E/1980/WG.1/ SR.20)	E/1980/6/Add.28 (E/1982/WG.1/ SR.7)	E/1982/3/Add.22 (E/1983/WG.1/ SR.10-11)	E/1984/7/Add.2 (E/1984/WG.1/ SR.12 and 14)	E/1986/4/Add.6 (E/1986/WG.1/ SR.10 and 13)	E/1990/7/Add.3 (E/C.12/1991/ SR.13, 14, 16 and 22)
106. Sri Lanka	11 September 1980	Overdue					
107. Sudan	18 June 1986	Overdue					
108. Suriname	28 March 1977	E/1990/5/Add.20 (Pending consideration)					
109. Sweden	3 January 1976	E/1978/8/Add.5 (E/1980/WG.1/ SR.15)	E/1980/6/Add.8 (E/1981/WG.1/ SR.9)	E/1982/3/Add.2 (E/1982/WG.1/ SR.19-20)	E/1984/7/Add.5 (E/1984/WG.1/ SR.14 and 16)	E/1986/4/Add.13 (E/C.12/1988/ SR.10-11)	E/1990/7/Add.2 (E/C.12/1991/ SR.11-13 and 18)
110. Switzerland	18 September 1992	Arts. 1-15, due on 30 June 1994					

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
111. Syrian Arab Republic	3 January 1976	E/1978/8/Add.25 and 31 (E/1983/WG.1/ SR.2)	E/1980/6/Add.9 (E/1981/WG.1/ SR.4)		E/1990/6/Add.1 (E/C.12/1991/SR.7, 9 and 11)		
112. Togo	24 August 1984	Overdue					
113. Trinidad and Tobago	8 March 1979	E/1984/6/Add.21 (E/C.12/1989/SR.17-19)	E/1986/3/Add.11	E/1988/5/Add.1	Overdue		
114. Tunisia	3 January 1976	E/1978/8/Add.3 (E/1980/WG.1/ SR.5-6)	E/1986/3/Add.9 (E/C.12/1989/ SR.9)	Overdue			
115. Uganda	21 April 1987	Overdue					
116. Ukraine	3 January 1976	E/1978/8/Add.22 (E/1980/WG.1/ SR.18)	E/1980/6/Add.24 (E/1982/WG.1/ SR.5-6)	E/1982/3/Add.4 (E/1982/WG.1/ SR.11-12)	E/1984/7/Add.9 (E/1984/WG.1/ SR.13-15)	E/1986/4/Add.5 (E/C.12/1987/ SR.9-11)	E/1990/7/Add.11 (Pending consideration)
117. United Kingdom of Great Britain and Northern Ireland	20 August 1976	E/1978/8/Add.9 and 30 (E/1980/WG.1/ SR.19 and E/1982/WG.1/ SR.1)	E/1980/6/Add.16 and Corr.1, Add.25 and Corr.1 and Add.26 (E/1981/WG.1/ SR.16-17)	E/1982/3/Add.16 (E/1982/WG.1/ SR.19-21)	E/1984/7/Add.20 (E/1985/WG.1/ SR.14 and 17)	E/1986/4/Add.23 (E/C.12/1989/ SR.16-17) E/1986/4/Add.27 (Pending consideration)	E/1990/7/Add.16 (Pending consideration)
118. United Republic of Tanzania	11 September 1976	Overdue	E/1980/6/Add.2 (E/1980/WG.1/ SR.5)	Overdue			

Annex I (concluded)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
119. Uruguay	3 January 1976	E/1990/5/Add.7 (Pending consideration)					
120. Venezuela	10 August 1978	E/1984/6/Add.1 (E/1984/WG.1/ SR.7-8 and 10)	E/1980/6/Add.38 (E/1986/WG.1/ SR.2 and 5)	E/1982/3/Add.33 (E/1986/WG.1/ SR.12, 17 and 18)	Overdue		
121. Viet Nam	24 December 1982	E/1990/5/Add.10 (E/C.12/1993/SR.9-11 and 19)					
122. Yemen	9 May 1987	Overdue					
123. Yugoslavia	3 January 1976	E/1978/8/Add.35 (E/1982/WG.1/ SR.4-5)	E/1980/6/Add.30 (E/1983/WG.1/ SR.3)	E/1982/3/Add.39 (E/C.12/1988/ SR.14-15)	E/1984/7/Add.10 (E/1984/WG.1/ SR.16 and 18)	Overdue	Overdue
124. Zaire	1 February 1977	E/1984/6/Add.18	E/1986/3/Add.7	E/1982/3/Add.41 (E/C.12/1988/SR.16-19)	Overdue		
125. Zambia	10 July 1984	Overdue	E/1986/3/Add.2 (E/1986/WG.1/ SR.4-5 and 7)	Overdue			
126. Zimbabwe	13 August 1991	Overdue					

Annex II

MEMBERSHIP OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Name of member	Country of nationality	Term expires on 31 December
Mrs. Madoe Virginie AHODIKPE	Togo	1996
Mr. Philip ALSTON	Australia	1994
Mr. Juan ALVAREZ VITA	Peru	1996
Mr. Abdel Halim BADAWI	Egypt	1994
Mrs. Virginia BONOAN-DANDAN	Philippines	1994
Mr. Dumitru CEAUSU	Romania	1996
Mr. Abdessatar GRISSA	Tunisia	1996
Mrs. Luvsandanzangiin IDER	Mongolia	1994
Mrs. María de los Angeles JIMENEZ BUTRAGUEÑO	Spain	1996
Mr. Valeri KOUZNETSOV	Russian Federation	1994
Mr. Jaime MARCHAN ROMERO	Ecuador	1994
Mr. Alexandre MUTERAHEJURU	Rwanda	1994
Mr. Kenneth Osborne RATTRAY	Jamaica	1996
Mr. Bruno SIMMA	Germany	1994
Ms. Chikako TAYA	Japan	1996
Mr. Philippe TEXIER	France	1996
Mrs. Margerita VYSOKAJOVA	Czech Republic	1996
Mr. Javier WIMER ZAMBRANO	Mexico	1994

Annex III

A. AGENDA OF THE EIGHTH SESSION OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (10-28 May 1993)

1. Adoption of the agenda.

2. Organization of work.

3. Action by the General Assembly at its forty-seventh session and the Commission on Human Rights at its forty-ninth session.

4. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

5. Consideration of reports:

   (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

   (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

6. General discussion on the rights of the ageing and elderly in relation to the rights recognized in the Covenant.

7. Preparatory activities relating to the World Conference on Human Rights.

8. Relations with United Nations organs and other treaty bodies.

9. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

B. AGENDA OF THE NINTH SESSION OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (22 November-10 December 1993)

1. Adoption of the agenda.

2. Organization of work.

3. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

4. Consideration of reports:

   (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

   (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

5. General discussion on the right to health (minimum core content and non-discrimination dimensions) as recognized in article 12 of the Covenant.

6. Relations with United Nations organs and other treaty bodies.

7. Action by the Economic and Social Council at its substantive session of 1993 and the General Assembly at its forty-eighth session.

8. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

9. Report of the Committee to the Economic and Social Council.

Annex IV

A. LIST OF STATES PARTIES' DELEGATIONS WHICH PARTICIPATED IN THE CONSIDERATION OF THEIR RESPECTIVE REPORTS BY THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AT ITS EIGHTH SESSION

CANADA	Representative:	Mr. John Donaghy Chargé d'affaires Permanent Mission of Canada to the United Nations Office at Geneva
	Advisers:	Mr. Alan H. Kessel First Secretary and Consul Permanent Mission of Canada to the United Nations Office at Geneva
		Mr. Langis Sirois Department of Multiculturalism and Citizenship Cttawa, Ontario, Canada
		Mr. John Scratch Department of Justice Ottawa, Ontario, Canada
		Mr. Gordon Roberts Department of Health and Welfare Ottawa, Ontario, Canada
		Quebec:
		Mr. Christian Deslauriers Government of Quebec
ISLAMIC REPUBLIC OF IRAN	Representative:	H.E. Mr. Kia Tabatabaee Ambassador Permanent Mission of the Islamic Republic of Iran to the United Nations Office at Geneva
	Advisers:	Dr. Mahmood Shiradj Deputy Ministry of Justice
		Mr. Ahmad Masjed-Jamei Deputy Ministry of Islamic Guidance

ISLAMIC REPUBLIC OF IRAN (cont'd)	Advisers:	Mr. Hamid Reza Hosseini Director Human Rights Department Ministry of Foreign Affairs
		Mr. Firouzi Director General Ministry of Labour and Social Affairs
VIET NAM	Representative:	H.E. Mr. Nguyen Luong Ambassador Permanent Representative of the Socialist Republic of Viet Nam to the United Nations Office at Geneva
	Advisers:	Mr. Nguyen Van Son First Secretary Permanent Mission of Viet Nam to the United Nations Office at Geneva
		Mrs. Nguyen Thi Nha Official of the Department of International Organizations of the Ministry for Foreign Affairs, Hanoi
		Mrs. Ha Thi Ngoc Ha Third Secretary Permanent Mission of Viet Nam to the United Nations Office at Geneva
AUSTRALIA	Representative:	Hon. Barry Jones, MP Member, Executive Board of UNESCO Committee for Conventions and Recommendations
	Advisers:	Mr. Kevin Clarke Assistant Secretary Aboriginal Education Department of Education, Employment and Training
		Mr. Colin Willis Acting Permanent Representative Permanent Mission of Australia to the United Nations Office at Geneva

LEBANON	Representative:	Mr. Nabil Maamari Research Worker Research and Documentation Centre Ministry for Foreign Affairs Lebanon
	Advisers:	Mr. Hani Chaar Permanent Mission of Lebanon to the United Nations Office at Geneva

B. LIST OF STATES PARTIES' DELEGATIONS WHICH PARTICIPATED IN THE CONSIDERATION OF THEIR RESPECTIVE REPORTS BY THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AT ITS NINTH SESSION

NEW ZEALAND	Representative:	Mr. Christopher Beeby Ambassador to France and Permanent Representative to OECD Paris
	Advisers:	Mr. David Hunt Counsellor (Economic) Treasury London
		Ms. Clare Fearnley Second Secretary Permanent Mission of New Zealand to the United Nations Office at Geneva
		Ms. Veronica Dohrman Attaché Permanent Mission of New Zealand to the United Nations Office at Geneva
		Ms. Patricia Broad Attaché Permanent Mission of New Zealand to the United Nations Office at Geneva
NICARAGUA	Representative:	H.E. Mr. Alvaro J. Sevilla Siero Ambassador Permanent Representative of Nicaragua to the United Nations Office at Geneva
	Advisers:	Mr. Norman Miranda Castillor Minister-Counsellor Deputy Permanent Representative of Nicaragua to the United Nations Office at Geneva

ICELAND	Representative:	Ms. Lilja Olafsdóttir Counsellor Deputy Permanent Representative of Iceland to the United Nations Office at Geneva
	Advisers:	Mr. Gudmundur B. Helgason First Secretary Permanent Mission of Iceland to the United Nations Office at Geneva
		Mrs. Dögg Pálsdóttir Director International Affairs Ministry of Health and Insurance
		Ms. Gudny Helgadóttir Chief of Division Ministry of Education and Cultural Affairs
		Mr. Gylfi Kristinsson Chief of Division Ministry of Social Affairs
MEXICO	Representative:	Ambassador Aída González Martinez Adviser to the Minister for Foreign Affairs Mexico, D.F.
	Advisers:	Mrs. Eréndira Paz Campos Minister Permanent Mission of Mexico to the United Nations Office at Geneva
		Mr. Eusebio Romero Second Secretary Permanent Mission of Mexico to the United Nations Office at Geneva
GERMANY	Representative:	H.E. Dr. Alois Jelonek Ambassador Permanent Mission of Germany to the United Nations Office at Geneva
	Advisers:	Mr. Meyer-Ladewig Director Federal Ministry of Justice
		Mr. Siegele Director Federal Ministry of the Interior

GERMANY (cont'd)	Advisers:	Mr. Boeger First Counsellor Federal Ministry of Education and Science
		Mr. Sasdrich First Counsellor Federal Ministry of Labour and Social Affairs
	Advisers:	Dr. von Trützschler First Counsellor Ministry of Science Thüringen
		Dr. Werner Daum First Counsellor Permanent Mission of Germany to the United Nations Office at Geneva
		Dr. Wolfgang Ohndorf Counsellor Permanent Mission of Germany to the United Nations Office at Geneva
		Mr. Joachim Schemel Second Secretary Permanent Mission of Germany to the United Nations Office at Geneva
		Mr. Marcus Felsner Assistant Permanent Mission of Germany to the United Nations Office at Geneva
SENEGAL	Representative:	Mr. Ibou Ndiaye Minister-Counsellor Permanent Mission of Senegal to the United Nations Office at Geneva
	Advisers:	Mr. Mamadou Lamine Fofana Magistrate Inspector, Judicial Services Dakar
		Mr. Abdoul Aziz Ndiaye Second Counsellor Permanent Mission of Senegal to the United Nations Office at Geneva

Annex V

A. LIST OF DOCUMENTS OF THE COMMITTEE AT ITS EIGHTH SESSION

E/1986/3/Add.15	Initial reports submitted by States parties to the Covenant concerning rights covered by articles 10 to 12: Nicaragua
E/1990/7/Add.11	Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 13 to 15: Ukraine
E/1990/7/Add.12	Idem: Germany
E/1990/7/Add.13	Idem: Australia
E/1990/5/Add.5 E/1990/5/Add.11 E/1990/5/Add.12	Initial reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15: New Zealand
E/1990/5/Add.6	Idem: Iceland
E/1990/5/Add.7	Idem: Uruguay
E/1990/5/Add.9	Idem: Islamic Republic of Iran
E/1990/5/Add.10	Idem: Viet Nam
E/1990/5/Add.16	Idem: Lebanon
E/1990/6/Add.3	Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 10 to 15: Canada
E/1990/6/Add.4	Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15: Mexico
E/1993/22	Report of the Committee on Economic, Social and Cultural Rights on its seventh session
E/1993/4	Fifteenth report of the International Labour Organisation
E/C.12/1990/4	Rules of procedure of the Committee
E/C.12/1990/5	A revised schedule for the submission of reports by States parties under articles 16 and 17 of the Covenant approved by the Committee at its fourth session
E/C.12/1991/1	Revised General Guidelines regarding the form and contents of reports to be submitted by States parties under articles 16 and 17 of the Covenant

E/C.12/1993/1	Provisional agenda and annotations: note by the Secretary-General
E/C.12/1993/2	States parties to the International Covenant on Economic, Social and Cultural Rights and status of submission of reports: note by the Secretary-General
E/C.12/1993/3	Status of the International Covenant on Economic, Social and Cultural Rights and Reservations, Withdrawals, Declarations and Objections under the Covenant
E/C.12/1993/L.1/Rev.1	Programme of work: note by the Secretary-General
E/C.12/1993/WP.13	Discussion note prepared by Mrs. María de los Angeles Jiménez Butragueño
E/C.12/1993/NGO/1	Written statement submitted by the Baha'i International Community, non-governmental organization in consultative status (category II)
E/C.12/1993/NGO/2	Written statement submitted by the American Association of Jurists, non-governmental organization in consultative status (category II)
E/C.12/1993/SR.1-21/ Add.1 and SR.1-21/Add.1/ Corrigendum	Summary records of the eighth session (1st to 21st meetings) of the Committee on Economic, Social and Cultural Rights

B. LIST OF DOCUMENTS OF THE COMMITTEE AT ITS NINTH SESSION

E/1984/6/Add.22	Initial reports submitted by States parties to the Covenant concerning rights covered by articles 6 to 9: Senegal
E/1986/3/Add.15 E/1986/3/Add.16	Initial reports submitted by States parties to the Covenant concerning rights covered by articles 10 to 12: Nicaragua
E/1990/7/Add.12	Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 13 to 15: Germany
E/1990/5/Add.5 E/1990/5/Add.11 E/1990/5/Add.12	Initial reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15: New Zealand
E/1990/5/Add.6 E/1990/5/Add.14	Idem: Iceland
E/1990/5/Add.7	Idem: Uruguay

E/1990/6/Add.4	Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15: Mexico
E/1993/22	Report of the Committee on Economic, Social and Cultural Rights on its seventh session
E/1993/L.23	Extract from the report of the Committee on Economic, Social and Cultural Rights on its eighth session
E/1994/5	Sixteenth updated report of the International Labour Organisation
E/C.12/1990/4/Rev.1	Rules of procedure of the Committee
E/C.12/1990/5	Revised schedule for the submission of reports by States parties under articles 16 and 17 of the Covenant approved by the Committee at its fourth session
E/C.12/1991/1	Revised General Guidelines regarding the form and contents of reports to be submitted by States parties under articles 16 and 17 of the Covenant
E/C.12/1993/3	Status of the International Covenant on Economic, Social and Cultural Rights and Reservations, Withdrawals, Declarations and Objections under the Covenant
E/C.12/1993/11	Provisional agenda and annotations: note by the Secretary-General
E/C.12/1993/12	States parties to the International Covenant on Economic, Social and Cultural Rights and status of the submission of reports: note by the Secretary-General
E/C.12/1993/L.2/Rev.1	Programme of work: note by the Secretary-General
E/C.12/1993/WP.17	Working paper prepared by the International Union for the Promotion of Health and of Education for Health
E/C.12/1993/WP.18	Working paper prepared by Dr. Jean Martin, Médecin Cantonal, Lausanne, Switzerland
E/C.12/1993/WP.19	Working paper prepared by the International Human Rights Organization for the Right to Feed Oneself (FIAN)
E/C.12/1993/WP.20	Working paper prepared by Dr. Farouk Partow, Arab Organization for Human Rights

E/C.12/1993/WP.21	Draft general comment prepared by Mrs. María de los Angeles Jiménez Butragueño
E/C.12/1993/WP.22	Discussion paper prepared by Mr. Juan Alvarez Vita
E/C.12/1993/WP.23	Working paper prepared by the Galilee Society for Health Research and Services
E/C.12/1993/WP.24	Working paper prepared by Dr. Audrey R. Chapman, Director, Science and Human Rights Programme, American Association for the Advancement of Science, United States of America
E/C.12/1993/WP.25	Working paper prepared by the International Organization for the Development of Freedom of Education
E/C.12/1993/WP.26	Draft general comment prepared by Mr. Philip Alston
E/C.12/1993/WP.27	Working paper prepared by Mrs. Virginia A. Leary, Professor of Law, State University of New York at Buffalo, United States of America
E/C.12/1993/WP.28	Working paper prepared by Mrs. Julia Hausermann, Chairperson, Rights and Humanity, the international movement for the promotion and realization of human rights and responsibilities
E/C.12/1993/NGO/3	Written statement submitted by the Women's International League for Peace and Freedom, a non-governmental organization in consultative status (category II)
E/C.12/1993/NGO/4	Written statement submitted by the International Confederation of Free Trade Unions, a non-governmental organization in consultative status (category I)
E/C.12/1993/SR.22-49/ Add.1 and SR.22-49/ Add.1/Corrigendum	Summary records of the ninth session (22nd to 49th meetings) of the Committee on Economic, Social and Cultural Rights

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